

**Amend Section 84001 to read:**

**84001      DEFINITIONS**

**84001**

In addition to Section 80001, the following shall apply:

- (a)    (1)    (Continued)
- (2)    (Continued)

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Authorized accrediting agencies include the Accrediting Commission for Colleges and Schools (ACCSC), National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, ~~and~~ the Western Association of Schools and Colleges, and others approved by the U.S. Department of Education.

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- (3)    (Continued)
- (c)    (3)    (Continued)
- (4)    "Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction within a 60-minute period. No credit is given for meal breaks.
- (5)    "Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference. Participants must be able to simultaneously interact with each other as well as with the instructor.
- (6)    "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.
- (47)    (Continued)
- (58)    (Continued)
- (9)    "Course" means either, (1) a quarter-or-semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop or lecture of varying duration.

(d) (1) (Continued)

Authority cited: Sections 1522.41(j), 1530, 1530.8 and 1530.9, Health and Safety Code; and Section 17730, Welfare and Institutions Code.

Reference: Sections 1501, 1502, 1503, 1507, 1507.2, 1522.4, 1522.41, 1522.41(j), 1530.8, and 1531, Health and Safety Code; Sections 362.04(a)(2), 362.05(a), 727(a)(4)(A), 11331.5(d), 11403, 11406(c), 17710, 17731, 17732.1 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

**Amend Section 84002 to read:**

**84002      DEFINITIONS – FORMS**

**84002**

The following forms, which are incorporated by reference~~;~~, apply to the regulations in Title 22, Division 6, Chapter 5 (Group Homes). Additional forms applicable to Group Homes and other residential facilities are incorporated by reference in Section 87102.

(a) (Continued)

(b) (Continued)

(c) Core of Knowledge Guideline (01/16) – GH 40-Hour Initial Certification.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1520.1(b)(1) and (2), and 1522.41(c)(1), Health and Safety Code.

**Amend Section 84064 to read:**

**84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**

**84064**

- (a) (Continued)
- (b) Effective January 1, 2000, all group homes shall have a qualified and currently certified administrator.
  - (1) (Continued)

Authority cited: Sections 1530 and 1522.41(j), Health and Safety Code.

Reference: Sections 1501, 1522.41(b), 1531 and 1562, Health and Safety Code.

**Amend Section 84064.2 to read:**

**84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS**

**84064.2**

- (a) An individual employed on or after January 1, 2000, shall be a group home certificate holder prior to being employed as an administrator.
  - (1) An individual employed as an administrator on December 31, 1999 shall be permitted to take the standardized written ~~test~~ exam administered by the Department in lieu of completing the forty (40) hours of Initial Certification Training Program classroom instruction. If a passing score is not achieved after two (2) attempts, the administrator must complete a forty (40) hour Initial Certification Training Program and pass the ~~test~~ exam no later than December 31, 2000.
  - (2) An individual who, though not an administrator, is employed by a group home on December 31, 1999 shall be permitted to take the standardized written ~~test-exam~~ administered by the Department in lieu of completing the forty (40) hours of Initial Certification Training Program classroom instruction provided that he/she meets the following conditions:
    - (A) (Continued)
    - (B) While employed as an administrator, the individual must have had a record of administering the facility for which he/she was responsible in a substantial compliance as defined in Section 80001(s)(~~67~~).
- (b) To receive his/her certificate an applicant shall:
  - (1) Successfully complete a Department approved Initial Certification Training Program as described in Section 84090(h), except as specified in Section 84064.2(a)(1) above.
  - (2) Pass a written ~~test~~ exam developed and administered by the Department within sixty (60) days of completion of an Initial Certification Training Program and within three (3) attempts.
  - (3) Submit ~~an application~~ a completed Application for Administrator Certification form LIC 9214 to the Department's Administrator eCertification sSection within thirty (30) days of being notified of having passed the ~~test~~ exam. The application shall contain the following:
    - (A) The applicant's name, address, e-mail address, phone number(s), and date of birth.
    - (B) A statement of whether or not the applicant:

- (i) Held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
  - (ii) Held or currently holds a State-issued facility license or was or is employed by a State-licensed care facility and the license number.
  - (iii) Was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in (i) and (ii) above.
- (~~A~~C) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program or proof of employment as an administrator on December 31, 1999.
- (D) Documentation of passing the written exam.
- (~~B~~E) A statement certifying that the applicant is at least twenty-one (21) years of age information submitted is true and correct.
- (F) A completed Criminal Record Statement (LIC 508).
- (~~E~~G) ~~Fingerprint cards, or evidence~~ A completed Request for LiveScan Service form LIC 9163, signed and dated by the live scan vendor, to document that the applicant has submitted fingerprints to the Department of Justice at a livescan facility location, or a statement that the applicant has a current criminal record clearance on file with the Department.
- (~~D~~H) A non-refundable one hundred dollar (\$100) processing fee.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance or an exemption pursuant to Health and Safety Code §section 1522 or is able to transfer a current criminal record clearance or an exemption pursuant to Health and Safety Code §section 1522(b)(1).
- (d) No person shall cheat on, subvert, or attempt to subvert, the exam given by the Department, including, but not limited to, engaging in, soliciting, or procuring any of the following:
- (1) Any form of communication between one or more examinees and any other person, other than a proctor or exam official, while the exam is in progress.
  - (2) The taking of all or a part of the exam by a person other than the applicant.
  - (3) Possession or use at any time during the exam or while the examinee is on the exam premises of any device, material, or document that is not expressly authorized for use by examinees during the exam, including, but not limited to, notes, crib sheets, textbooks, and electronic devices.

- (4) Failure to follow any exam instruction or rule related to exam security.
- (e) Any applicant caught willfully cheating under this section shall be deemed to have failed that exam and may be denied certification pursuant to Section 84064.4 as a result of the conduct.
- (~~d~~f) (Continued)
- (~~e~~g) (Continued)
- (~~f~~h) (Continued)
- (gi) Time deadlines specified in Sections 84064.2 (b)(2) and (3) above may be extended up to sixty (60) days in total for good cause as determined by the Department. Any request for extension of time shall be made in writing to the Administrator Certification Section Manager within sixty (60) days of completing the Initial Certification Training Program and shall contain a statement of all facts the applicant believes constitute good cause to extend time.
- (1) Failure of the exam shall not constitute good cause for an extension.
- (2) Absent a good cause extension, the Department shall not process and may deem withdrawn an application that fails to meet the time deadlines specified in Sections 84064.2(b)(2) or (3).
- (3) Any applicant who fails to meet the time deadlines specified in Sections 84064.2(b)(2) and (3) must begin the certification process described in Section 84064.2(b) anew, and complete it within the time deadlines specified in Sections 84064.2(b)(2) and (3).

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520, 1522, 1522.41, and 1550 (~~(b) through (f)~~), Health and Safety Code.

Amend Section 84064.3 to read:

**84064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS**

**84064.3**

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during ~~the~~ each two-year certification period~~;~~ including:
  - (1) At least four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact group homes, including but not limited to the regulations contained in this Chapter.
  - (2) If not included in the certified administrator's Initial Certification Training Program, at least one (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved lesbian, gay, bisexual, and transgender community.
- (b) Continuing education hours must be sufficiently related by subject matter and logic to the Core of Knowledge, current and relevant to facility operations and care, and be completed through any combination of the following:
  - (1) ~~Courses provided by vendors approved for group home administrators by the Department, or~~
  - (2) ~~Accredited educational institutions offering courses that are consistent with the requirements of this section, or~~

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- (A) ~~Examples of accredited educational institutions are Community and State colleges.~~

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- (3) ~~Courses offered by vendors approved by other California State agencies provided that:~~
  - (A) ~~The approval and enforcement procedures of the State agency are comparable to the approval and enforcement procedures of the Department, and~~
  - (B) ~~The course relates to the Core of Knowledge as specified in (h)(1)(A) through (I).~~

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- (C) ~~Prior to taking a course from one of the entities specified in Section 84064.3(a)(2) or (3) above, the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Sections 84090(h)(1)(A) through (I). If the course~~



~~does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.~~

~~(D) Examples of other California State agencies that meet the requirements above are the Department of Developmental Services, the Department of Rehabilitation, the Board of Behavioral Science Examiners and the Board of Psychology.~~

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- (42) Certified administrators required to complete continuing education hours required by regulations of the Department of Developmental Services, and approved by the Regional Center, may have up to twenty-four (24) of the required continuing education course hours credited toward the forty (40) hour continuing education requirement.
  - (A) Community college course hours approved by the Regional Center shall be accepted by the Department for recertification.
  - (B) Any continuing education course hours in excess of twenty-four (24) hours offered by the Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 84090(h)(1)(A) through (I).
- ~~(5) Continuing education hours must enhance the core of knowledge. Continuing education credit will not be provided for any Initial Certification Training Program course.~~
- (bc) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 84001(c)(5) except that up to one-half of the required forty (40) hours of continuing education necessary to renew the certification may be satisfied through interactive online courses as specified in Section 84091(i).
  - (1) ~~The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable~~ will not count toward the continuing education requirements more than ten (10) hours of instruction, in-class and/or online, completed in a single day.
  - (2) Home study or correspondence-type courses will not be counted toward completion of continuing education requirements as they are not interactive by design.
  - (3) Completion of an Initial Certification Training Program or component(s) thereof will not be counted toward completion of continuing education requirements as the Program is intended for new administrators.

- (4) Any specific continuing education course may only be accepted once per renewal period toward completion of the continuing education requirements.
- (ed) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit to the Department's Administrator Certification Section, post-marked on, or up to ninety (90) days before, the certificate expiration date:
- (1) ~~A written request to recertify post marked prior to the certificate expiration date~~ completed application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 84064.3(a) above.
  - (3) Payment of a non-refundable one hundred dollar (\$100) processing fee.
- (de) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit to the Department's Administrator Certification Section:
- (1) ~~A written request to recertify~~ completed application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of the required continuing education hours as specified in Section 84064.3(a) above. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if they had remained certified. The date of computation shall be the date the ~~written request for recertification~~ application for renewal is received by the Department's Administrator Certification Section.
  - (3) Payment of a non-refundable delinquency fee equal to three times the one hundred dollar (\$100) renewal fee, or three hundred dollars (\$300).
- (ef) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date ~~shall complete an Initial Certification Training Program as~~ must begin anew the certification process specified in Section 84064.2(b).
- (fg) Certificate holders, as a condition of recertification, shall have a current criminal record clearance or exemption.
- (gh) A non-refundable processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.

- (h*i*) A certificate holder shall report any change of mailing address within thirty (30) days to the Department's ~~a~~AAdministrator ~~e~~Certification ~~s~~Section.
- (i*j*) Whenever a certified administrator assumes or relinquishes responsibility for administering a group home facility, he or she shall provide written notice within ten (10) days to:
- (1) The local licensing ~~District~~Office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
  - (2) The Department's ~~a~~AAdministrator ~~e~~Certification ~~s~~Section.

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1522 and 1522.41(a), (f) and (h) Health and Safety Code.

**Amend Section 84064.4 to read:**

**84064.4     ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION     84064.4**  
**OF A CERTIFICATE**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code §section 1550 and ~~for~~or on any of the following grounds:
- (1) The certificate holder or applicant procured or attempted to procure a certificate by fraud, ~~or~~ misrepresentation, bribery, or other unlawful behavior.
  - (2) The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate.
  - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code §sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:  
  
(A) (Continued)
  - (4) The certificate holder or applicant does not have a current criminal record clearance or exemption.
  - (5) (Continued)
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code §section 1551.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code §section 1520.3.

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Health and Safety Code §section 1520.3 in pertinent part provides that:

"(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation The cessation of

review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law. ...

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Sections 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, ~~except as provided in Section 1569.22,~~ cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence."

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Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520.3, 1522, 1522.41(f) and (g), 1550 and 1551, Health and Safety Code.

**Amend Section 84064.5 to read:**

**84064.5     ADMINISTRATOR CERTIFICATE FORFEITURE OF  
A CERTIFICATE**

**84064.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
  - (1) (Continued)
  - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897, after the Department issued the certificate, and:
    - (A) (Continued)
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code Sections 1520.3, 1558(h) and/or 1558.1.

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Health and Safety Code Section 1520.3 in pertinent part provides:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law. ...

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within

the last year, the department shall, ~~except as provided in Section 1569.22,~~ cease further review of the application as follows:

- (1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.
- (2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.
- (3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence."

Health and Safety Code ~~S~~section 1558(h) in pertinent part provides:

"(h)(1)(A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the ~~exclusion~~ decision and order.

(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order."

Health and Safety Code ~~S~~section 1558.1 in pertinent part provides:

"(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the

person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence."

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Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520.3, 1522.41(g), 1558(h), and 1558.1, Health and Safety Code.



**Amend Section 84090 to read:**

**84090      INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND      84090**  
**PROGRAM APPROVAL REQUIREMENTS**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
  - (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
  - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
  - (3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.
    - (A) The use of videos, videotapes, video clips, or other visual recordings, are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.
  - (4) Qualifications of each proposed instructor as specified in Section 84090(i)(~~67~~).
  - (5) ~~Geographic areas~~ Locality(ies) in which the Training Program will be offered.
  - (6) ~~Types~~ A list and the location(s) of records to be maintained ~~as required by pursuant to~~ Section 84090(i)(~~45~~) below.
  - (7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
  - (8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a ~~community~~ State-issued care facility license or was or is employed by a State-licensed ~~community~~ care facility and the license number.

- (9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in (7) and (8) above.
- (10) A non-refundable processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the Initial Certification Program vendorship program is approved by the Department.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 and Vendor Application/Renewal form LIC 9141 and shall contain the information and processing fee specified in Section 84090(b) above.
  - (1) A vendor must have an approved Group Home Initial Certification Training Program in order to renew its Group Home Initial Certification Training Program vendorship.
- (e) (Continued)
- (h) The Group Home Initial Certification Training Program shall consist of the following components:
  - (1) A minimum of forty (40) classroom hours, as defined in Section 84001(c)(4), with the following on a uniform Core of Knowledge with the following basic curriculum:
    - (A) (Continued)
    - (E) ~~Four (4)~~ Three (3) hours of instruction in the use of community and support services to meet residents' needs.
    - (F) (Continued)
    - (J) (Continued)
    - (K) One (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved lesbian, gay, bisexual, and transgender community.
  - (2) A standardized ~~test~~ exam developed and administered by the Department.
    - (A) Individuals completing an Initial Certification Training Program must pass the ~~test-exam~~ with a minimum score of seventy percent (70%).
    - (B) The ~~test-exam~~ questions shall reflect the hour value of the ~~nine (9)~~ Core of Knowledge areas specified in Sections 84090(h)(1)(A) ~~through (I)~~ above.

- (i) Initial Certification Training Program vendors shall:
- (1) Offer all forty (40) classroom hours required for certification in a classroom setting as defined in Section 84001(c)(5).
    - (A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(67)(D).
    - (B) Where good faith efforts to employ an instructor who meets the criteria specified in (A) are unsuccessful, vendors may apply to the Department's Administrator Certification Section for a waiver of this requirement.
  - (2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.
  - (3) Issue certificates of completion to participants who successfully complete the program.
    - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, approved course number, and the date(s), time(s) and location(s) of program classes.
  - ~~(34)~~ Submit to the Department ~~within seven (7) days of determination the names of individuals who have completed forty (40) hours of classroom instruction upon request~~ a Roster of Participants form LIC 9142A who completed the program.
  - ~~(45)~~ Maintain and ensure that ~~written~~ records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following information:
    - (A) Course schedules, dates, ~~and~~ descriptions and course outlines.
    - (B) A list of instructors and documentation of qualifications of each, as specified in Section 84090(i)(67).
    - (C) ~~Names of registered~~ A Roster of pParticipants (LIC 9142A) and documentation of who completed ~~on~~ of the program.
    - (D) Evaluations by participants of courses and instructors.
    - (E) Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.

- (5) ~~Ensure that all classes are open to monitoring and inspection by Department representatives.~~
- (6) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each program/component.
- (67) Have instructors who have verifiable knowledge and/or experience in the subject ~~area~~ matter and content to be taught and who meet at least one of the following criteria:
  - (A) ~~Possession of a four (4) year college~~ Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the course subject(s) to be taught, or
  - (B) Four (4) years of experience relevant to the course to be taught, or
  - (C) Be a professional, in a field related ~~field~~ to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of a group home, within the last ~~eight (8)~~ six (6) years, ~~and~~ with a record of administering the facility(ies) in substantial compliance, as defined in Section 80001(s)(67), and have verifiable formal training in the subject(s) to be taught.
- (8) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (9) During the course, encourage and respond appropriately to participants' questions.
- (10) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
- (11) Report any changes of the information in 84090(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.

- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor Initial Certification Training Programs with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
- (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
- (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
- (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (k) If, as a result of an investigation, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide the Initial Certification Training Program Vendor with the notice of deficiency in person or by registered mail.

  - (1) The notice of deficiency shall be in writing and shall include:

    - (A) A reference to the statute or regulation upon which the deficiency is premised.
    - (B) A factual description of the nature of the deficiency fully stating the manner in which the Initial Certification Training Program Vendor failed to comply with the specified statute or regulation.
    - (C) The amount of penalty pursuant to Section 84092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
    - (D) The appeal process as specified in Section 84093.
  - (2) The Department and the Initial Certification Training Program Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
  - (3) Absent prior Department approval, all Program deficiencies shall be corrected prior to the next offering of the Initial Certification Training Program, and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.

- (l) Initial Certification Training Program Vendors shall not instructor "co-locate" more than one program type (Adult Residential Facility, Group Home, Residential Care Facility for the Elderly) at one time.
- (m) Initial Certification Training Program Vendors and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Section 1 of Assembly Bill (AB) 458 (Chapter 331, Statutes of 2003); Sections 1501, 1522.08, 1522.41, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

**Amend Section 84090.1 to read:**

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM 84090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1522.41(h)(1) of the Health and Safety Code provides in part:

“(h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the ~~D~~department with evidence satisfactory to the ~~D~~department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the ~~D~~department pursuant to Subdivision (j).

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The ~~D~~department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.”

HANDBOOK ENDS HERE

(b) (Continued)

- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3(b).

HANDBOOK BEGINS HERE

Health and Safety Code ~~S~~section 1520.3(b) provides:

“(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, ~~except as provided in Section 1569.22,~~ cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.”

HANDBOOK ENDS HERE

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520.3(b), 1522.41(h), and 1551, Health and Safety Code.



**Amend Section 84090.2 to read:**

**84090.2      REVOCATION OF AN INITIAL CERTIFICATION TRAINING      84090.2**  
**PROGRAM**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 84090 or:
- (1) Is unable to provide training due to lack of staff, funds, or resources, or
  - (2) Misrepresents or makes false claims regarding the training provided, or
  - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
  - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or-
  - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code ~~S~~section 1551.
- (c) Any applicant for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3.

HANDBOOK BEGINS HERE

Health and Safety Code ~~S~~section 1520.3 in pertinent part provides:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.”

HANDBOOK ENDS HERE

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520.3, 1522.41(h) and 1551, Health and Safety Code.

**Amend Section 84091 to read:**

**84091            CONTINUING EDUCATION TRAINING PROGRAM VENDOR            84091**  
**REQUIREMENTS**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141. The request shall be signed by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
  - (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
  - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.
  - (3) A statement of whether or not the vendor applicant held or currently holds a ~~community~~-State-issued care facility license or was or is employed by a State-licensed ~~community~~ care facility and the license number.
  - (4) A statement of whether or not the vendor applicant was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in Sections 84091(b)(2) and (3) above.
  - (5) A non-refundable processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program vendorship shall be submitted to the Department's Administrator Certification Section using the Vendor Application/Renewal form LIC 9141 and shall contain the information and processing fee specified in Section 84091(b).
  - (1) A continuing education vendor must have one or more approved Group Home continuing education courses in order to renew its Group Home continuing education program vendorship.

- (e) If the request for approval or renewal of a Continuing Education Training Program vendorship is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:

(1) (Continued)

- (h) Continuing Education Training Program vendors shall:

(1) Issue certificates of completion to participants who successfully complete the program.

(A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, the approved course name and course number, the approved course hours, and the date(s), time(s) and location(s) of the course(s).

(~~12~~) Maintain and ensure that ~~written~~ records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following:

(A) Course schedules, dates, ~~and~~ descriptions and course outlines.

(B) Lists of instructors and documentation of qualifications of each, as specified in Section 84091(h)(~~23~~).

(C) ~~Names~~ Rosters of registered participants (LIC 9142A) and documentation of who completed the courses.

(D) Evaluations by participants of courses and instructors.

(E) Audio-visual recordings of all Continuing Education Training courses offered outside of California.

(~~23~~) Have instructors who have verifiable knowledge and/or experience in the subject ~~area~~ matter and content to be taught and who meet at least one of the following criteria:

(A) ~~Possession of a four (4) year college~~ Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the ~~courses~~ subject(s) to be taught, or

(B) Four (4) years of experience relevant to the course to be taught, or

- (C) Be a professional, in a field related field to the subject(s) to be taught, with a valid ~~and current~~ license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of a group home, within the last ~~eight (8)~~ six (6) years, and with a record of administering the facility(ies) in substantial compliance as defined in Section 80001(s)(67), and have verifiable formal training in the subject(s) to be taught.
- (4) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course.
  - (5) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
  - (6) During the course, encourage and respond appropriately to participants' questions.
  - (7) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
  - (8) Report any changes of the information in 84091(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, as defined in Section 84001(c)(5) except that:
    - (1) The Department may approve online courses pursuant to Health and Safety Code section 1522.41(h)(7) where technology permits the simultaneous and interactive participation of the certificate holder, provided that and such participation is verifiable. Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.

- (A) A Webinar or similar type of live broadcast of a training course may be approved by the Department for online continuing education hours pursuant to Health and Safety Code section 1522.41(h)(7) where the technology permits interactive participation of the certificate holder and such participation is verifiable, and where it can be verified that the certificate holder was present for the entire length of the Webinar.
- (B) All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

#### HANDBOOK BEGINS HERE

Health and Safety Code section 1522.41(h)(7) provides that:

“(A) A vendor of online programs for continuing education shall ensure that each online course contains all of the following:

(i) An interactive portion in which the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number of personal identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this clause that he or she knows to be false is guilty of a misdemeanor.

(B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department’s satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.”

#### HANDBOOK ENDS HERE

- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses and Programs.

- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor continuing education training courses with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
- (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
- (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
- (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (l) If, as a result of an investigation, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide Continuing Education Training Program Vendor with the notice of deficiency in person or by registered mail.

  - (1) The notice of deficiency shall be in writing and shall include:

    - (A) A reference to the statute or regulation upon which the deficiency is premised.
    - (B) A factual description of the nature of the deficiency fully stating the manner in which the Vendor failed to comply with the specified statute or regulation.
    - (C) The amount of penalty pursuant to Section 84092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
    - (D) The appeal process as specified in Section 84093.
  - (2) The Department and the Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
  - (3) Absent prior Department approval, all course deficiencies shall be corrected prior to the next offering of the deficient course(s), and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.

- (m) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care Facilities for the Elderly), may provide "multiple crediting," that is, more than one certification for the course, to participants who complete the course satisfactorily.
- (n) Continuing Education Training Program vendors that the Department has approved for more than one program type (Adult Residential Facility, Group Home, Residential Care Facilities for the Elderly), may "co-locate" or instruct specified courses for more than one program type.

  - (1) The approved hours for co-located courses may differ depending on the content pertinent to each program type.
- (o) Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Section 1522.08, 1522.41(f) and (h), Health and Safety Code, and Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code.



**Amend Section 84091.1 to read:**

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE 84091.1  
APPROVAL REQUIREMENTS**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form LIC 9140 for each course. The request shall be signed by an authorized representative of the vendor certifying that the information submitted is true and correct, and contain the following:
  - (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor(s) ~~of each course~~.
  - (2) Written description and educational objectives ~~for each course~~, teaching methods, hourly topical content outline, and a description of course and participant evaluation methods.
    - (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.
  - (3) Qualifications of each proposed instructor, as specified in Section 84091(h)(23).
  - (4) ~~Types~~ A list and the location(s) of records to be maintained ~~as required by pursuant to~~ Section 84091(h)(42).
  - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
  - (6) A statement of whether or not the proposed instructor held or currently holds a ~~community~~ State-issued care facility license or was or is employed by a State-licensed ~~community~~ care facility and the license number.
  - (7) A statement of whether or not the proposed instructor was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in Sections 84091.1(b)(5) and (6) above.
- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval as provided in Section 84091(c).

- (1) To renew a course, the vendor shall submit a written request to the Department's ~~which shall contain the information specified in Section 84091.1(b)~~ Administrator Certification Section using the Renewal of Continuing Education Course Approval form LIC 9139 and Vendor Application/Renewal form LIC 9141, at least thirty (30) days prior to the course expiration.
- (2) Course renewal requests received by the Department after the course expiration data shall be denied, and the vendor required to resubmit the courses for approval pursuant to Section 84091.1(b).
- (3) Course renewal requests received for courses where the content is known to have changed, or needs to be updated, shall be denied. The vendor will need to submit the revised course for approval pursuant to Section 84091.1(b).
- (d) (Continued)
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered as specified in Section 84091.1(b).
- (h) ~~Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses.~~

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1522.08 and 1522.41(f) and (h), Health and Safety Code.

**Amend Section 84091.2 to read:**

**84091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION 84091.2**  
**~~OF A REQUEST FOR APPROVAL OF A CONTINUING~~**  
**EDUCATION COURSE**

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request administrative review, in writing to the Department's Administrator Certification Section Manager, within ten (10) days of the receipt of the Department's notice denying or revoking course approval.
  - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
  - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed that would have led to a different decision, he/she shall have the authority to amend the denial or revocation of course approval.
  - (4) The reviewer shall send a written response to the vendor within thirty (30) days of the Section's receiving the request per Section 84091.2(a)(1).
  - (45) The decision of the higher-level staff person shall be final.

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Section 1522.41(h), Health and Safety Code.

**Amend Section 84091.3 to read:**

**84091.3                    DENIAL OF A REQUEST FOR APPROVAL OF A                    84091.3**  
**CONTINUING EDUCATION TRAINING PROGRAM**

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code ~~S~~section 1522.41(h)(1). The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1522.41(h)(1) of the Health and Safety Code provides in part:

“(h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

- (A) The applicant has not provided the ~~D~~department with evidence satisfactory to the ~~D~~department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations.
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group home facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.”

HANDBOOK ENDS HERE

- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code ~~S~~section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3(b).

## HANDBOOK BEGINS HERE

Health and Safety Code §section 1520.3(b) provides:

“(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, ~~except as provided in Section 1569.22,~~ cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.”

## HANDBOOK ENDS HERE

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520.3(b), 1522.41(h)(1) and 1551, Health and Safety Code.

**Amend Section 84091.4 to read:**

**84091.4      REVOCATION OF A CONTINUING EDUCATION TRAINING      84091.4  
PROGRAM**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 84091 and 84091.1, or:
- (1) Is unable to prove training due to lack of staff, funds, or resources; or
  - (2) Misrepresents or make false claims regarding the training provided; or
  - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program; or
  - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or-
  - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code ~~S~~section 1551.
- (c) Any application for approval of a Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3.

**HANDBOOK BEGINS HERE**

Health and Safety Code ~~S~~section 1520.3 in pertinent part provides:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.”

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Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Sections 1520.3, 1522.41(h) and 1551, Health and Safety Code.

**Adopt Section 84092 to read:**

**84092**      **PENALTIES**

**84092**

- (a) A penalty of \$50 per day, per cited violation, up to a maximum of \$150 per day, shall be assessed for all deficiencies that are not corrected as specified in the notice of deficiency.
- (b) Unless otherwise ordered by the Department, all penalties are due and payable upon receipt of notice of payment, and shall be paid only by money order made payable to the Department.
- (c) The Department shall have authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (b) above.

Authority cited:    Sections 1522.41(h) and 1530, Health and Safety Code.

Reference:        Sections 1523.1, 1548 and 1549, Health and Safety Code.



**Adopt Section 84093 to read:**

**84093**      **APPEAL PROCESS**

**84092**

- (a) A vendor may request in writing to the Department's Administrator Certification Section Manager a review of a notice of deficiency or notice of penalty within ten (10) working days of receipt of the notice. This review shall be conducted by a higher level staff person other than the evaluator who issued the notice.
- (b) If the reviewer determines that a notice of deficiency or notice of penalty was not issued in accordance with applicable statutes and regulations, the reviewer shall amend or dismiss the notice. In addition, the reviewer may extend the date specified for correction of a deficiency if warranted by the facts or circumstances to support a request for extension.
- (c) The reviewer will send a written response to the vendor within thirty (30) days of the Section's receiving a request as described in (a) above.

Authority cited: Sections 1522.41(h) and 1530, Health and Safety Code.

Reference: Section 1534, Health and Safety Code.

**Amend Section 85001 to read:**

**85001      DEFINITIONS**

**85001**

In addition to Section 80001, the following shall apply.

- (a)    (1)    (Continued)
- (c)    (2)    (Continued)
- (3)    "Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction ~~with or without a break within a 60-minute period. It is recommended that no more than twenty (20) minutes of break time be included every four (4) hours of instruction.~~ No credit is given for meal breaks.
- (4)    "Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference. Participants must be able to simultaneously interact with each other as well as with the instructor.
- (45)    (Continued)
- (56)    (Continued)
- (67)    (Continued)
- (78)    (Continued)
- (i)    (1)    (Continued)
- (2)    ~~"Initial Vendor Application" means the application form, LIC 9141, used to request approval from the Department to become a vendor for the first time.~~
- (j)    (Continued)
- (q)    (Continued)
- (r)    (1) ~~"Renewal Vendor Application" means the application form, LIC 9141, used to request approval from the Department to continue another two (2) years as an approved vendor.~~  
      (Reserved)

(s) (Continued)

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1501, 1502.2, 1507, 1530, 1531, and 1562.3, Health and Safety Code, and Section 15610.13, Welfare and Institutions Code, and Sections 1800, 4605, and 4753, Probate Code.

**Amend Section 85002 to read:**

**85002      DEFINITIONS – FORMS**

**85002**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 6 (Adult Residential Facilities). Additional forms applicable to Adult and other residential facilities are incorporated by reference in Section 87102.

- (a) ~~LIC 9139 (2/01) — Renewal of Continuing Education Course Approval, Administrator Certification Program.~~ Core of Knowledge Guideline (01/16) - ARF 35-Hour Initial Certification.
- (b) ~~LIC 9140 (6/01) — Request for Course Approval, Administrator Certification Program.~~
- (c) ~~LIC 9141 (5/01) — Vendor Application/Renewal, Administrator Certification Program.~~
- (d) ~~LIC 9142a (2/01) — Roster of Participants — For Vendor Use Only — 35/40 Hour Initial Or CEU Courses, Administrator Certification Program.~~

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1530 and 1562.3, Health and Safety Code; and Section 15376, Government Code.

**Amend Section 85064 to read:**

**85064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**

**85064**

- (a) (Continued)
- (b) All adult residential facilities shall have a qualified and currently certified administrator.
- (c) (Continued)
- (k) (Continued)

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Health and Safety Code ~~S~~section 1562.5(a) reads in pertinent part:

“(a) The Director shall ensure that, within six months after obtaining licensure, an administrator of an adult residential facility ... shall receive four hours of training on the needs of residents who may be infected with the human immunodeficiency virus (HIV), and on basic information about tuberculosis. Administrators ... shall attend update training sessions every two years after satisfactorily completing the initial training to ensure that information received on HIV and tuberculosis remains current. The training shall consist of three hours on HIV and one hour on tuberculosis. ...

(g) In the event that an administrator or program director demonstrates~~---~~ to the department a significant difficulty in accessing training, the administrators and program directors ~~---~~ of these facilities shall have the option of fulfilling these training requirements through a study course consisting of written and/or video educational materials.”

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- (l) (Continued)

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1501, 1531, 1562, 1562.3, 1562.4, and 1562.5, Health and Safety Code.

**Amend Section 85064.2 to read:**

**85064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS**

**85064.2**

- (a) An individual shall be an adult residential facility certificate holder prior to being employed as an Administrator.
- (b) To receive his/her certificate an applicant shall:
  - (1) Successfully complete a Department approved Initial Certification Training Program as described in Section 85090(h).
  - (2) Pass a written ~~test~~ exam developed and administered by the Department within sixty (60) days of completion of an Initial Certification Training Program and within three (3) attempts.
  - (3) Submit ~~an~~ completed Application for Administrator Certification form LIC 9214 to the Department's Administrator Certification Section within thirty (30) days of being notified of having passed the ~~test-exam~~. The application shall contain the following:
    - (A) The applicant's name, address, e-mail address, phone number(s), and date of birth.
    - (B) A statement of whether or not the applicant:
      - (i) Held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
      - (ii) Held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
      - (iii) Was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in Sections 85064(b)(3)(B)(i) and (ii).
    - (C) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program.
    - (D) Documentation of passing the written exam.
    - (E) A statement certifying that the applicant is at least twenty-one (21) years of age information submitted is true and correct.
    - (F) A completed Criminal Record Statement (LIC 508).

~~(CG)~~ ~~Fingerprint cards, or evidence~~ A completed Request for LiveScan Service form LIC 9163, signed and dated by the live scan vendor, to document that the applicant has submitted fingerprints to the Department of Justice at a livescan facility location, or a statement that the applicant has a current criminal record clearance or an exemption on file with the Department.

~~(DH)~~ A non-refundable one hundred dollar (\$100) processing fee.

- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance or an exemption pursuant to Health and Safety Code ~~S~~section 1522 or is able to transfer a current criminal record clearance or an exemption pursuant to Health and Safety Code ~~S~~section 1522(h)(1).
- (d) No person shall cheat on, subvert, or attempt to subvert, the exam given by the Department, including, but not limited to, engaging in, soliciting, or procuring any of the following:
  - (1) Any form of communication between one or more examinees and any other person, other than a proctor or exam official, while the exam is in progress.
  - (2) The taking of all or a part of the exam by a person other than the applicant.
  - (3) Possession or use at any time during the exam or while the examinee is on the exam premises of any device, material, or document that is not expressly authorized for use by examinees during the exam, including, but not limited to, notes, crib sheets, textbooks, and electronic devices.
  - (4) Failure to follow any exam instruction or rule related to exam security.
- (e) Any applicant caught willfully cheating under this section shall be deemed to have failed that exam and may be denied certification pursuant to Section 85064.4 as a result of the conduct.
- ~~(df)~~ (Continued)
- ~~(eg)~~ (Continued)
- ~~(fh)~~ (Continued)
- (gi) Time deadlines specified in Section 85064.2(b)(2) and (3) above may be extended up to sixty (60) days in total for good cause as determined by the Department. Any request for extension of time shall be made in writing to the Administrator Certification Section Manager within sixty (60) days of completing the initial Certification Training Program and shall contain a statement of all facts the applicant believes constitute good cause to extend a time deadline.
  - (1) Failure of the exam shall not constitute good cause for an extension.

- (2) Absent a good cause extension, the Department shall not process and may deem withdrawn an application that fails to meet the time deadlines specified in Sections 85064.2(b)(2) or (3).
- (3) Any applicant who fails to meet the time deadlines specified in Sections 85064.2(b)(2) and (3) must begin the certification process described in Section 85064.2(b) anew, and complete it within the time deadlines specified in Sections 85064.2(b)(2) and (3).

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1501, 1520(b), 1522, 1531, 1550, 1562, 1562.3, and 1562.4, Health and Safety Code.



Amend Section 85064.3 to read:

**85064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS**

**85064.3**

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during ~~the~~ each two-year certification period~~-, including:~~
  - (1) At least four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact adult residential facilities, including but not limited to the regulations contained in this Chapter.
  - (2) If not included in the certified administrator's Initial Certification Training Program, at least one (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.
- (b) Continuing education hours must be sufficiently related by subject matter and logic to the Core of Knowledge, current and relevant to facility operations and care, and ~~be~~ completed through any combination of the following:
  - (1) Courses ~~provided by vendors~~ approved for adult residential facility administrators by the Department~~-, or~~
  - (2) ~~Accredited educational institutions offering courses that are consistent with the requirements of this Section, or~~

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~~(A) Examples of accredited educational institutions are Community and State colleges.~~

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- (3) ~~Courses offered by vendors approved by other California State agencies provided that:~~
  - (A) ~~The approval and enforcement procedures of that State agency are comparable to the approval and enforcement procedures of the Department, and~~
  - (B) ~~The course relates to the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I).~~

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~~(C) Prior to taking a course from one of the entities specified in Section 85064.3 (a)(2) or (3) above, the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Section 85090(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.~~

~~(D) Examples of other California State agencies that meet the requirements above are: the Department of Developmental Services, the Department of Rehabilitation, the Board of Behavioral Science Examiners and the Board of Psychology.~~

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- (42) Certified administrators required to complete continuing education hours required by regulations of the Department of Developmental Services, and approved by the Regional Center, may have up to twenty-four (24) of the required continuing education course hours credited toward the forty (40) hour continuing education requirement.
- (A) Community college course hours approved by the Regional Center shall be accepted by the Department for recertification.
- (B) Any continuing education course hours in excess of twenty-four (24) hours offered by the Department of Developmental Services and approved by the Regional Center may be credited toward the forty (40) hour requirement provided the courses are not duplicative and relate to the core of knowledge as specified in Sections 85090(h)(1)(A) through (I).
- ~~(5) Continuing education hours must enhance the core of knowledge. Continuing education credit will not be provided for any Initial Certification Training Program course.~~
- ~~(b)(c)~~ Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 85001(c)(4) except that up to one-half of the required forty (40) hours of continuing education necessary to renew the certificate may be satisfied through interactive online course as specified in Section 85091(i).
- (1) ~~The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable~~ will not count toward the continuing education requirements more than ten (10) hours of instruction, in-class and/or online, completed in a single day.
- (2) Home study or correspondence-type courses will not be counted toward completion of continuing education requirements as they are not interactive by design.

- (3) Completion of an Initial Certification Training Program or component(s) thereof will not be counted toward completion of continuing education requirements as the Program is intended for new administrators.
  - (4) Any specific continuing education course may only be accepted once per renewal period toward completion of the continuing education requirements.
- (ed) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit to the Department's Administrator Certification Section, post-marked on, or up to ninety (90) days before, the certificate expiration date:
- (1) ~~A written request to recertify post-marked on or before the certificate expiration date~~ completed Application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 85064.3(a) above.
  - (3) Payment of a non-refundable one hundred dollar (\$100) processing fee.
- (de) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit to the Department's Administrator Certification Section:
- (1) ~~A written request to recertify~~ completed Application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of the required continuing education hours as specified in Section 85064.3(a) above. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if he/she had remained certified. The date of computation shall be the date the ~~written request for recertification~~ application for renewal is received by the Department's Administrator Certification Section.
  - (3) Payment of a non-refundable delinquency fee equal to three times the one hundred dollar (\$100) renewal fee, or three hundred dollars (\$300).
- (ef) (Continued)
- (1) Holders of certificates not renewed within four (4) years of their expiration date ~~shall complete an Initial Certification Training Program as~~ must begin anew the certification process specified in Section 85064.2(b).
- (fg) Certificate holders, as a condition of recertification, shall have a current criminal record clearance or exemption.

- (gh) A non-refundable processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (hi) A certificate holder shall report any change of mailing address within thirty (30) days to the Department's ~~a~~Administrator ~~e~~Certification ~~s~~Section.
- (ij) Whenever a certified administrator assumes or relinquishes responsibility for administering an adult residential facility, he or she shall provide written notice within thirty (30) days to:
- (1) The local licensing ~~District~~Office(s) responsible for receiving information regarding personnel changes at the licensed facilities with whom the certificate holder is or was associated, and
  - (2) The Department's ~~A~~administrator ~~C~~ertification ~~S~~ection.

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1522, 1522.41(h) and 1562.3, Health and Safety Code.

**Amend Section 85064.4 to read:**

**85064.4     ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION     85064.4**  
**~~OF A CERTIFICATE~~**

- (a) The Department may deny or revoke any administrator certificate upon any of the grounds specified in Health and Safety Code Section 1550 and/or ~~for~~ on any of the following grounds:
- (1) The certificate holder or applicant procured or attempted to procure a certificate by fraud, ~~or~~ misrepresentation, bribery, or other unlawful behavior.
  - (2) The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate.
  - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order, or
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
  - (4) The certificate holder or applicant does not have a current criminal record clearance or exemption.
  - (5) The certificate holder fails to comply with certificate renewal requirements.
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code Section 1551.
- (c) (Continued)

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Health and Safety Code Section 1520.3~~(a)(1)~~ reads in pertinent part:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the

application until two years shall have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Sections 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.”

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Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1520.3, 1522, 1550, 1551, 1562.3 and 1562.4, Health and Safety Code.

**Amend Section 85064.5 to read:**

**85064.5     ADMINISTRATOR CERTIFICATE FORFEITURE**  
**~~OF A CERTIFICATE~~**

**85064.5**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
- (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
  - (2) The Department has issued an exclusion order against the certificate holder pursuant to health and Safety Code ~~S~~sections 1558, 1568.092, 1569.58, or 1596.8897, after the Department issued the certificate, and:
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code ~~S~~sections 1520.3, 1558(h) and/or 1558.1.

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Health and Safety Code ~~S~~section 1520.3(a)(1) reads in pertinent part:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions ~~which~~ that either have been corrected or are no longer in existence.”

Health and Safety Code ~~Section 1558(h)(1)(A)~~ reads in pertinent part:

~~“(h)(1)(A)~~ In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person’s life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

~~“(h)(2)(A)~~ In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person’s life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.”

Health and Safety Code ~~Section 1558.1(a)(1)~~ reads in pertinent part:

“(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section



1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

...

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence.”

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Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1520.3, 1558, 1558.1, and 1562.3, Health and Safety Code.

**Amend Section 85090 to read:**

**85090      INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND      85090**  
**PROGRAM APPROVAL REQUIREMENTS**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department's Administrator Certification Section using Request for Course Approval forms LIC 9140 and Vendor Application/Renewal form LIC 9141, ~~or a replica~~. The request shall be signed ~~under penalty of perjury~~ by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
  - (1) Name, type of entity, physical address, e-mail address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
  - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
  - (3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.
    - (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.
  - (4) Qualifications of each proposed instructor as specified in Section 85090(i)(~~6~~7) below.
  - (5) ~~Geographic areas~~ Locality(ies) in which the Training Program will be offered.
  - (6) ~~Types A~~ A list and the location(s) of records to be maintained, as required by pursuant to Section 85090(i)(4) below.
  - (7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).

- (8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a State-issued ~~community~~ care facility license or was or is employed by a State-licensed ~~community~~ care facility and the license number.
- (9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in Sections 85090(b)(7) and (8) above.
- (10) A non-refundable processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the Initial Certification Training pProgram is approved by the Department.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department's Administrator Certification Section using Request for Course Approval forms LIC 9140 and Vendor Application/Renewal form LIC 9141, ~~or a replica~~, and shall contain the information and processing fee specified in Section 85090(b) above.
  - (1) A vendor must have an approved Adult Residential Facility Initial Certification Training Program in order to renew its Adult Residential Facility Initial Certification Training Program vendorship.
- (e) (Continued)
- (f) (Continued)
- (g) (Continued)
- (h) The Adult Residential Facility Initial Certification Training Program shall consist of the following components:
  - (1) A minimum of thirty-five (35) classroom hours, as defined in Section 85001(c)(3), with the following ~~on a~~ uniform Core of Knowledge ~~with the following basic curriculum:~~
    - (A) (Continued)
    - (G) (Continued)
    - (H) ~~Four (4)~~ Three (3) hours of instruction on admission, retention, and assessment procedures.
    - (I) (Continued)

- (J) One (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.
- (2) A standardized ~~test~~ exam developed and administered by the Department.
  - (A) Individuals completing an Initial Certification Training Program must pass the ~~test-exam~~ with a minimum score of seventy percent (70%).
  - (B) The ~~test-exam~~ questions shall reflect the hour value of the ~~nine (9)~~ Core of Knowledge areas specified in Section 85090(h)(1)(A) ~~through (I)~~ above.
- (i) Initial Certification Training Program vendors shall:
  - (1) Offer all thirty-five (35) of the classroom hours required for certification in a classroom setting as defined in Section 85001(c)(4).
    - (A) A minimum of ten (10) hours of instruction must be provided by instructor(s) who meets the criteria specified in Section 85090(i)(~~6~~7)(D).
    - (B) ~~4.~~ Where good faith efforts to employ an instructor who meets the criteria specified in Section 85090(i)(6)(D) are unsuccessful, vendors may apply to the Department's aAdministrator cCertification sSection for a waiver of this requirement.
  - (2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.
  - (3) Issue certificates of completion to participants who successfully complete the program.
    - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, approved course number, and the date(s), time(s) and location(s) of program classes.
  - (~~34~~) Submit to the Department ~~within seven (7) days of determination the names of individuals who have completed thirty five (35) hours of classroom instruction upon request a Roster of Participants form LIC 9142A who completed the program.~~
  - (~~45~~) Maintain and ensure that ~~written~~ records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following information:

- (A) Course schedules, dates, ~~and~~ descriptions and course outlines.
  - (B) A list of instructors and documentation of qualifications of each, as specified in Section 85090(i)(67) below.
  - (C) ~~Names of registered~~ A Roster of pParticipants (LIC 9142A) and documentation of who completed~~ion of~~ the program.
  - (D) Evaluations by participants of courses and instructors.
  - (E) Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.
- (56) ~~Ensure that all classes are open to monitoring and inspection by Department representatives. Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each future program/component .~~
- (67) Have instructors who have verifiable knowledge and/or experience in the subject area to matter and content to be taught and who meet at least one of the following criteria:
- (A) ~~Possession of a four (4) year college~~ Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the course subject(s) to be taught, or
  - (B) Four (4) years of experience relevant to the course to be taught, or
  - (C) Be a professional in a field related field to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of an adult residential facility, within the last ~~eight (8)~~ six (6) years, ~~and~~ with a record of administering the facility(ies) on in substantial compliance, as defined in Section 80001s-(6)(s)(7), and have verifiable formal training in the subject(s) to be taught.
- (8) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (9) During the course, encourage and respond appropriately to participants' questions.

- (10) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
- (11) Report any changes of the information in 85090(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (j) (Continued)

  - (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor Initial Certification Training Programs with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
  - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
  - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
  - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (k) If, as a result of an investigation, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide the Initial Certification Training Program Vendor with the notice of deficiency in person or by registered mail.

  - (1) The notice of deficiency shall be in writing and shall include:

    - (A) A reference to the statute or regulation upon which the deficiency is premised.
    - (B) A factual description of the nature of the deficiency fully stating the manner in which the Initial Certification Training Program Vendor failed to comply with the specified statute or regulation.
    - (C) The amount of penalty pursuant to Section 85092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
    - (D) The appeal process as specified in Section 85093.

- (2) The Department and the Initial Certification Training Program Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
- (3) Absent prior Department approval, all Program deficiencies shall be corrected prior to the next offering of the Initial Certification Training Program, and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (k) Initial Certification Training Program vendors shall not instruct or “co-locate” more than one program type (~~ARF, RCFE, GH~~ Adult Residential Facility, Group Home, Residential Care Facility for the Elderly) at one time.
- (m) Initial Certification Training Program vendors ~~that~~ and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code; and Section 15376, Government Code.

Reference: Sections 1522.08, 1550, 1551 and 1562.3, Health and Safety Code; and Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code.

**Amend Section 85090.1 to read:**

**85090.1                    DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL                    85090.1**  
**CERTIFICATION TRAINING PROGRAM**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1562.3(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Health and Safety Code ~~S~~section 1562.3(h)(1) reads in pertinent part:

“The ~~D~~department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the ~~D~~department with evidence satisfactory to the ~~D~~department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department pursuant to subdivision (i).

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.”

HANDBOOK ENDS HERE

(b) (Continued)

- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3(b).

HANDBOOK BEGINS HERE

Health and Safety Code ~~S~~section 1520.3(b) reads in pertinent part:

“(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:



(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.”

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1520.3, 1551, and 1562.3, Health and Safety Code.

**Amend Section 85090.2 to read:**

**85090.2      REVOCATION OF AN INITIAL CERTIFICATION TRAINING      85090.2**  
**PROGRAM**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 85090, or:
- (1) Is unable to provide training due to lack of staff, funds or resources, or
  - (2) Misrepresents or makes false claims regarding the training provided, or
  - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
  - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or-
  - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code ~~S~~section 1551.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3.

HANDBOOK BEGINS HERE

Health and Safety Code ~~S~~section 1520.3~~(a)(1)~~ reads in pertinent part:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or ~~for~~ any other provision of law.

...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Sections 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.”

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1520.3, 1551 and 1562.3, Health and Safety Code.

**Amend Section 85091 to read:**

**85091            CONTINUING EDUCATION TRAINING PROGRAM VENDOR            85091**  
**REQUIREMENTS**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department's Administrator Certification Section using the Initial Vendor Application/Renewal form, LIC 9141, ~~or a replica~~. The request shall be signed ~~under penalty of perjury~~ by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
  - (1) Name, type of entity, physical address, e-mail address, and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
  - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
  - (3) A statement of whether or not the vendor applicant held or currently holds a ~~community~~ State-issued care facility license or was or is employed by a State-licensed ~~community~~ care facility and the license number.
  - (4) A statement of whether or not the vendor applicant was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in Section 85091(b)(2) and (3) above.
  - (5) A non-refundable processing fee of one hundred dollars (\$100).
- (c) (Continued)
- (d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department's Administrator Certification Section using the Renewal Vendor Application/Renewal form, LIC 9141, ~~or a replica~~, and shall contain the information and processing fee specified in Section 85091(b) above.
  - (1) A continuing education vendor must have one or more approved Adult Residential Facility continuing education courses in order to renew its Adult Residential Facility continuing education program vendorship.

- (e) If a request for approval or renewal of a Continuing Education Training Program vendorship is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:

(1) (Continued)

- (h) Continuing Education Training Program vendors shall:

(1) Issue certificates of completion to participants who successfully complete the program.

(A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, the approved course name and course number, the approved course hours, and the date(s), time(s) and location(s) of the course(s).

(~~12~~) Maintain and ensure that ~~written~~ records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following:

(A) Course schedules, dates, ~~and~~ descriptions and course outlines.

(B) Lists of instructors and documentation of qualifications of each, as specified in Section 85091(h)(~~23~~) below.

(C) ~~Names of registered~~ Rosters of pParticipants (LIC 9142A) and documentation of who completed~~ion of~~ the courses.

(D) Evaluations by participants of courses and instructors.

(E) Audio-visual recordings of all Continuing Education Training courses offered outside of California.

(~~23~~) Have instructors who have verifiable knowledge and/or experience in the subject ~~area~~ matter and content to be taught and who meet at least one of the following criteria:

(A) ~~Possession of a four (4) year college~~ Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the course ~~subject(s) to be taught, or~~

(B) Four (4) years of experience relevant to the course to be taught, or

- (C) Be a professional, in a field related field to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of an adult residential facility, within the last ~~eight (8)~~ six (6) years, and with a record of administering the facility(ies) in substantial compliance as defined in Section 80001s.-(6)(s)(7)), and have verifiable formal training in the subject(s) to be taught.
- (4) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course.
  - (5) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
  - (6) During the course, encourage and respond appropriately to participants' questions.
  - (7) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
  - (8) Report any changes of the information in 85091(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, as defined in Section 85001(c)(4), except that:
    - (1) The Department may approve online courses pursuant to Health and Safety Code section 1522.41(h)(7) where technology permits the ~~simultaneous and~~ interactive participation of the certificate holder, ~~provided that~~ and such participation is verifiable. Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.

- (A) A Webinar or similar type of live broadcast of a training course may be approved by the Department for online continuing education hours pursuant to Health and Safety Code section 1562.3(h)(7) where the technology permits interactive participation of the certificate holder and such participation is verifiable, and where it can be verified that the certificate holder was present for the entire length of the Webinar .
- (B) All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

#### HANDBOOK BEGINS HERE

Health and Safety Code section 1522.41(h)(7) provides that:

“(A) A vendor of online programs for continuing education shall ensure that each online course contains all of the following:

(i) An interactive portion in which the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number of personal identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this clause that he or she knows to be false is guilty of a misdemeanor.

(B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department’s satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.”

#### HANDBOOK ENDS HERE

(j) (Continued)

(k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses and Programs.

- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor continuing education training courses with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
- (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
- (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
- (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (l) If, as a result of an investigation, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide Continuing Education Training Program Vendor with the notice of deficiency in person or by registered mail.

  - (1) The notice of deficiency shall be in writing and shall include:

    - (A) A reference to the statute or regulation upon which the deficiency is premised.
    - (B) A factual description of the nature of the deficiency fully stating the manner in which the Vendor failed to comply with the specified statute or regulation.
    - (C) The amount of penalty pursuant to Section 85092 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
    - (D) The appeal process as specified in Section 85093.
  - (2) The Department and the Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
  - (3) Absent prior Department approval, all course deficiencies shall be corrected prior to the next offering of the deficient course(s), and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.



- (~~hm~~) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (~~ARF, RCPE, GH~~ Adult Residential Facility, Group Home, Residential Care for the Elderly), may provide “multiple crediting,” that is, more than one certification for the course, to ~~those~~ participants who complete the course satisfactorily.
- (~~mn~~) Continuing Education Training Program vendors that the Department has approved for more than one program type (~~ARF, RCPE, GH~~ Adult Residential Facility, Group Home, Residential Care for the Elderly), may “co-locate” or instruct specified courses for more than one program type.
- (1) The approved hours for co-located courses may differ depending on the content pertinent to each program type.
- (~~no~~) Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1522.08 and 1562.3, Health and Safety Code; and Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code.

**Amend Section 85091.1 to read:**

**85091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE 85091.1  
APPROVAL REQUIREMENTS**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (1) (Continued)
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval form, LIC 9140, ~~or a replica~~. The request shall be signed ~~under penalty of perjury~~ by an authorized representative of the vendor certifying that the information submitted is true and correct, and contain the following:
- (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor ~~of each course~~.
- (2) Written description and educational objectives ~~for each course~~, teaching methods, ~~course content~~ hourly topical content outline, and a description of course and participant evaluation methods.
- (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.
- (3) Qualifications of each proposed instructor, as specified in Section 85091(h)(23).
- (4) ~~Types A~~ A list and the location(s) of records to be maintained, as required by Section 85091(h)(42).
- (5) A statement of whether or not the proposed instructor held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.
- (6) A statement of whether or not the proposed instructor held or currently holds a ~~community~~ State-issued care facility license or was or is employed by a State-licensed ~~community~~ care facility and the license number.
- (7) A statement of whether or not the proposed instructor was the subject of any legal, administrative, ~~legal~~, or other action involving licensure, certification or other approvals as specified in Sections 85091.1(b)(5) and (6) above.

- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section 85091(c).
- (1) To renew a course, the vendor shall submit a written request to the Department's Administrator Certification Section, using the Vendor Application/Renewal form LIC 9141 and the Renewal of Continuing Education Course Approval form; LIC 9139, or a replica at least thirty (30) days prior to course expiration.
  - (2) Course renewal requests received by the Department after the course expiration data shall be denied, and the vendor required to resubmit the courses for approval pursuant to Section 85091.1(b).
  - (3) Course renewal requests received for courses where the content is known to have changed, or needs to be updated, shall be denied. The vendor will need to submit the revised course for approval pursuant to Section 85091.1(b).
- (d) (Continued)
- (f) (Continued)
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, ~~and the request for the change shall contain the information as specified in Section 85091.1(b).~~
- ~~(h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect training courses.~~

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1522.08 and 1562.3, Health and Safety Code.

**Amend Section 85091.2 to read:**

**85091.2 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION OF A CONTINUING EDUCATION COURSE 85091.2**

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request an administrative review in writing to the Department's Administrator Certification Section Manager, within ten (10) days of receipt of the Department's notice denying or revoking course approval.
  - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
  - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, that would have led to a different decision, he/she shall have the authority to affirm, amend or reverse the denial or revocation of course approval.
  - (A4) ~~The Department reviewer shall give send a written notice of its decision within 10 working days~~ response to the vendor within thirty (30) days of the Section's receiving the request per Section 85091.2(a)(1).
  - (45) The decision of the higher-level staff person shall be final.

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Section 1562.3, Health and Safety Code.

**Amend Section 85091.3 to read:**

**85091.3 DENIAL OF A REQUEST FOR APPROVAL OF A  
CONTINUING EDUCATION TRAINING PROGRAM**

**85091.3**

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code ~~§~~section 1562.3(h)(1). The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Health and Safety Code ~~§~~section 1562.3(h)(1) reads in pertinent part:

~~“(h)(1) ---The department may deny vendor approval to any agency or person in any of the following circumstances:~~

~~(A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations---~~ adopted by the department pursuant to subdivision (i).

~~(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.~~

~~(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.”~~

HANDBOOK ENDS HERE

- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code ~~§~~section 1551.

- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1520.3(b).

#### HANDBOOK BEGINS HERE

Health and Safety Code ~~S~~section 1520.3(b) reads in pertinent part:

“(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions, which either have been corrected or are no longer in existence.”

#### HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1551 and 1562.3, Health and Safety Code.

**Amend Section 85091.4 to read:**

**85091.4      REVOCATION OF A CONTINUING EDUCATION TRAINING      85091.4**  
**PROGRAM**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 85091 and 85091.1, or:
- (1) Is unable to provide training due to lack of staff, funds or resources; or
  - (2) Misrepresents or makes false claims regarding the training provided; or
  - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program; or
  - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or-
  - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code ~~§~~section 1551.
- (c) Any application for approval of a Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~§~~section 1520.3.

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Health and Safety Code ~~§~~section 1520.3(a)(4) reads in pertinent part:

“(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or ~~for~~ any other provision of law. ...

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department or from a certified family home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.”

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code.

Reference: Sections 1520.3, 1562.3 and 1551, Health and Safety Code.



**Adopt Section 85092 to read:**

**85092      PENALTIES**

**85092**

- (a) A penalty of \$50 per day, per cited violation, up to a maximum of \$150 per day, shall be assessed for all deficiencies that are not corrected as specified in the notice of deficiency.
- (b) Unless otherwise ordered by the Department, all penalties are due and payable upon receipt of notice of payment, and shall be paid only by money order made payable to the Department.
- (c) The Department shall have authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (b) above.

Authority cited:    Sections 1522.41(h) and 1530, Health and Safety Code.

Reference:        Sections 1523.1, 1548 and 1549, Health and Safety Code.

**Adopt Section 85093 to read:**

**85093**      **APPEAL PROCESS**

**85093**

- (a) A vendor may request in writing to the Department's Administrator Certification Section Manager a review of a notice of deficiency or notice of penalty within ten (10) working days of receipt of the notice. This review shall be conducted by a higher level staff person other than the evaluator who issued the notice.
- (b) If the reviewer determines that a notice of deficiency or notice of penalty was not issued in accordance with applicable statutes and regulations, the reviewer shall amend or dismiss the notice. In addition, the reviewer may extend the date specified for correction of a deficiency if warranted by the facts or circumstances to support a request for extension.
- (c) The reviewer will send a written response to the vendor within thirty (30) days of the Section's receiving a request as described in (a) above.

Authority cited: Sections 1522.41(h) and 1530, Health and Safety Code.

Reference: Section 1534, Health and Safety Code.

**Amend Section 87101 to read:**

**87101 DEFINITIONS**

(a) (1) (Continued)

(c) (5) (Continued)

(6) "Classroom Hour" means fifty (50) to sixty (60) minutes of classroom instruction ~~with or without a break. It is recommended that no more than twenty (20) minutes of break time be included in every four (4) hours of instruction~~ within a 60-minute period. No credit is given for meal breaks.

(7) "Classroom setting" means a setting, conducive to learning and free from distractions, for which the primary purpose is education, instruction, training, or conference. Participants must be able to simultaneously interact with each other as well as with the instructor.

(~~7~~8) (Continued)

(~~8~~9) (Continued)

(~~9~~10) (Continued)

(~~10~~11) (Continued)

(~~11~~12) (Continued)

(~~12~~13) (Continued)

(~~13~~14) (Continued)

(~~14~~15) (Continued)

(~~15~~16) (Continued)

(~~16~~17) (Continued)

(~~17~~18) (Continued)

(~~18~~19) (Continued)

(i) (1) (Continued)

- (2) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial ~~forty (40)~~ eighty (80) hour certification training program to persons who do not possess a valid residential care facility for the elderly administrator certificate.
- ~~(3) "Initial Vendor Application" means the application form, LIC 9141, used to request approval from the Department to become a vendor for the first time.~~
- ~~(43)~~ (Continued)
- ~~(54)~~ (Continued)
- (r) (1) (Continued)
- (2) (Continued)
- ~~(3) "Renewal Vendor Application" means the application form, LIC 9141 used to request approval from the Department to continue another two (2) years as an approved vendor.~~
- ~~(43)~~ (Continued)
- ~~(54)~~ (Continued)
- ~~(65)~~ (Continued)
- ~~(76)~~ (Continued)
- (s) (1) (Continued)

Authority cited: Sections 1569.23, 1569.30, 1569.616 and 1569.698, Health and Safety Code.

Reference: 42 CFR 418.3; Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.153, 1569.157, 1569.158, 1569.17, 1569.19, 1569.191, 1569.193, 1569.20, 1569.21, 1569.23, 1569.31, 1569.312, 1569.33, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.626, 1569.699, 1569.73, 1569.74, 1569.82, 1771 and 1797.196, Health and Safety Code; Sections 5350 and 15610.13, Welfare and Institutions Code; Sections 1500, 1800 and 4780, Probate Code.

**Amend Section 87102 to read:**

**87102 DESCRIPTIONS OF FORMS**

**87102**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapters 5 (Group Homes), 6 (Adult Residential Facilities) and 8 (Residential Care Facilities for the Elderly), except for PUB 325 and the RCFE Core of Knowledge which only apply to Chapter 8.

- (a) LIC 9139 (~~2/01~~01/16) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (~~6/01~~01/16) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9140A (01/16) - Request to Add or Replace Instructor, Administrator Certification Program.
- (~~e~~d) LIC 9141 (~~5/01~~01/16) - Vendor Application/Renewal, Administrator Certification Program.
- (e) LIC 9142A (01/16) – Roster of Participants - for Vendor Use Only, Administrator Certification Program.
- (f) LIC 9142B (01/16) – Roster of Participants – for Exam Proctoring Only, Administrator Certification Program.
- (g) LIC 9163 (3/11) – Request for Live Scan Service – Community Care Licensing.
- (h) LIC 508 (3/11) Criminal Record Statement.
- (i) LIC 9214 (01/16) – Application for Administrator Certification, Administrator Certification Program.
- (~~d~~j) PUB 325 (1/04) – Your Right To Make Decisions About Medical Treatment.
- (~~e~~k) Core of Knowledge ~~Guidelines~~ Training Standard (~~6/01~~01/16) - RCFE ~~40~~80-Hour Initial Certification.

Authority cited: Sections 1530, 1569.616(i)(1) and 1569.30, Health and Safety Code.

Reference: Sections 1522.41, 1562.3 and 1569.616, Health and Safety Code.

**Amend Section 87405 to read:**

**87405 ADMINISTRATOR - QUALIFICATIONS AND DUTIES**

**87405**

- (a) All facilities shall have a qualified and currently certified administrator. The licensee and the administrator may be one and the same person. The administrator shall have sufficient freedom from other responsibilities and shall be on the premises a sufficient number of hours to permit adequate attention to the management and administration of the facility as specified in this section. When the administrator is not in the facility, there shall be coverage by a designated substitute who shall have qualifications adequate to be responsible and accountable for management and administration of the facility as specified in this section. The Department may require that the administrator devote additional hours in the facility to fulfill his/her responsibilities when the need for such additional hours is substantiated by written documentation.
- (b) (Continued)
- (f) (Continued)
- ~~(g) All administrators shall be required to complete at least 20 clock hours of continuing education per year in areas related to aging and/or administration.~~
- ~~(hg)~~ (Continued)
- ~~(ih)~~ The administrator shall have the responsibility to:
  - (1) (Continued)
  - (4) (Continued)
  - (5) Provide or ensure the provision of services to the residents with appropriate regard for the residents' physical and mental well-being and needs, including those services identified in the residents' ~~p~~Pre-admission aAppraisals, specified in Section 87457, Pre-admission Appraisal, and Reappraisal, as specified in Section 87463.
  - (6) (Continued)
- ~~(ji)~~ (Continued)

Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.17, 1569.31, 1569.312, 1569.315, 1569.613, 1569.616 and 1569.62, Health and Safety Code.

**Amend Section 87406 to read:**

**87406 ADMINISTRATOR CERTIFICATION REQUIREMENTS**

**87406**

- (a) All individuals shall be residential care facility for the elderly certificate holders prior to being employed as an administrator, ~~or shall have submitted to the Department the documentation required to obtain a certificate pursuant to Section 87406(b).~~
- (1) ~~Administrators~~ Applicants who possess a valid Nursing Home Administrator license, issued by the California ~~Board of Nursing Home Administrators~~ Department of Public Health, shall be exempt from completing an approved Initial Certification Training Program and taking a written ~~test~~ exam, provided the individual completes twelve (12) hours of classroom instruction in the following ~~uniform~~ Core of Knowledge areas:
- (A) Four (4) hours of instruction in Laws, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly, including but not limited to the authority referenced in this Chapter.
- (B) Four (4) hours of instruction in medication management, including The use, misuse, and interaction of ~~medication~~ drugs commonly used by the elderly ~~in a residential setting, including antipsychotics, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.~~
- (C) Four (4) hours of instruction in Resident admission, retention, and assessment procedures.
- (2) Individuals who were both the licensee and administrator on or before July 1, 1991, shall complete an Initial Certification Training Program but shall not be required to take the written ~~test~~ exam. Individuals exempted from the written ~~test~~ exam shall be issued a conditional certification valid only for the administrator of the facility for which the exemption was granted.
- (A) As a condition to becoming a certified administrator of another facility, a holder of a conditional certificate issued pursuant to Section 87406(a)(2) shall be required to pass the written ~~test~~ exam.
- (B) As a condition to applying for a new facility license, the holder of a conditional certificate issued pursuant to Section 87406(a)(2) shall be required to pass the written ~~test~~ exam.
- (3) (Continued)

(b) To receive his/her certificate an applicant shall:

- (1) Unless exempted by Section 87406(a)(1), successfully complete a Department-approved Initial Certification Training Program as described in Section 87785(h).
- (2) Unless exempted by Section 87406(a)(1) or (a)(2), pass a written ~~test~~ exam developed and administered by the Department within sixty (60) days of completion of an Initial Certification Training Program and within three (3) attempts.
- (3) Submit ~~an application~~ a completed Application for Administrator Certification form LIC 9214 to the Department's Administrator eCertification sSection within thirty (30) days of being notified of having passed the ~~test~~ exam, or if the applicant is exempt from taking the written ~~test~~ exam, within thirty (30) days of completing the Initial eCertification tTraining Program. The application shall contain the following:
  - (A) The applicant's name, address, e-mail address, phone number(s), and date of birth.
  - (B) A statement of whether or not the applicant:
    - (i) Held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
    - (ii) Held or currently holds a State-issued care facility license or was or is employed by a State-licensed care facility and the license number.
    - (iii) Was the subject of any legal, administrative or other action involving licensure, certification or other approvals as specified in Sections 87406(b)(3)(B)(i) and (ii).
  - (~~A~~C) Proof that the applicant has successfully completed a Department-approved Initial Certification Training Program or, in the case of a Nursing Home Administrator, proof of completion of the required 42 hours of classroom instruction as specified in Section 87406(a)(1).
  - (~~B~~D) Documentation of passing the written ~~test~~ exam or qualifying for an exemption pursuant to Section 87406(a)(1) or (a)(2).
  - (~~E~~) A statement certifying that the applicant is at least twenty one (21) years of age information submitted is true and correct.
  - (F) A completed Criminal Record Statement form LIC 508.



- ~~(DG)~~ ~~Fingerprint cards, or evidence~~ A completed Request for Live Scan Service form LIC 9163, signed and dated by the live scan vendor, to document that the applicant has submitted fingerprints to the Department of Justice at a live scan facility location, or a statement that the applicant has a current criminal record clearance or an exemption on file with the Department.
- ~~(EH)~~ A non-refundable one hundred dollar (\$100) processing fee.
- ~~(FI)~~ A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance or an exemption pursuant to Health and Safety Code ~~S~~section 1569.17 or is able to transfer a current criminal record clearance or an exemption pursuant to Health and Safety Code ~~S~~section 1569.17(g)(1).
- (d) No person shall cheat on, subvert, or attempt to subvert, the exam given by the Department, including, but not limited to, engaging in, soliciting, or procuring any of the following:
- (1) Any form of communication between one or more examinees and any other person, other than a proctor or exam official, while the exam is in progress.
- (2) The taking of all or a part of the exam by a person other than the applicant.
- (3) Possession or use at any time during the exam or while the examinee is on the exam premises of any device, material, or document that is not expressly authorized for use by examinees during the exam, including, but not limited to, notes, crib sheets, textbooks, and electronic devices.
- (4) Failure to follow any exam instruction or rule related to exam security.
- (e) Any applicant caught willfully cheating under this section shall be deemed to have failed that exam and may be denied certification pursuant to Section 87408 as a result of the conduct.
- ~~(df)~~ (Continued)
- ~~(eg)~~ (Continued)
- ~~(fh)~~ (Continued)

(gi) Time deadlines specified in Sections 87406(b)(2) and (3) may be extended up to sixty (60) days in total for good cause as determined by the Department. Any request for an extension of time shall be made in writing to the Administrator Certification Section Manager within sixty (60) days of completing the Initial Certification Training Program and shall contain a statement of all facts the applicant believes constitute good cause to extend a time deadline.

(1) Failure of the exam shall not constitute good cause for an extension.

(2) Absent a good cause extension, the Department shall not process and may deem withdrawn an application that fails to meet the time deadlines specified in Sections 87406(b)(2) or (3).

(3) Any applicant who fails to meet the time deadlines specified in Sections 87406(b)(2) and (3) must begin the certification process described in Section 87406(b) anew, and complete it within the time deadlines specified in Sections 87406(b)(2) and (3).

Authority cited: Sections 1569.23~~(d)~~, 1569.30 and 1569.616~~(j)~~, Health and Safety Code.

Reference: Sections 1569.17, 1569.171, 1569.23, 1569.315, 1569.50, 1569.613 and 1569.616, Health and Safety Code.

**Amend Section 87407 to read:**

**87407 ADMINISTRATOR RECERTIFICATION REQUIREMENTS**

**87407**

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during each two (2)-year certification period, including:-
- (1) ~~For Administrators who renew their administrator certification on or after January 1, 2003, shall submit proof of having completed~~ at least eight (8) hours ~~of the 40 hour continuing education requirement~~ in subjects related to serving residents with Alzheimer's Disease and other dementias, including, but not limited to, instruction related to direct care, physical environment, and admissions procedures and assessment.
- (A) (Continued)
- (2) At least four (4) hours of instruction in laws, regulations, policies, and procedural standards that impact the operation of residential care facilities for the elderly, including but not limited to the regulations contained in this Chapter.
- (3) If not included in the certified administrator's Initial Certification Training Program, at least one (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.
- (b) Continuing education hours must be sufficiently related by subject matter and logic to the Core of Knowledge, current and relevant to facility operations and care, and be completed through ~~any combination of the following:~~
- (1) ~~Courses provided by vendors approved for residential care facility for the elderly administrators by the Department, or~~
- (2) ~~Accredited educational institutions offering courses that are consistent with the requirements of this section, or~~

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~~Examples of accredited educational institutions are community colleges and state colleges.~~

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- (3) ~~Courses offered by vendors approved by other California State agencies provided that:~~
- (A) ~~The approval and enforcement procedures of the state agency are comparable to the approval and enforcement procedures of the Department, and~~

- ~~(B) The course relates to the Core of Knowledge as specified in Sections 87785(h)(1)(A) through (I).~~

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~~Prior to taking a course from one of the entities specified in Section 87407(a)(2) or (3), the certificate holder should study the course description carefully to ensure that it fits within the Core of Knowledge as specified in Sections 87785(h)(1)(A) through (I). If the course does not fit within the Core of Knowledge, it may not be credited toward the recertification requirement.~~

~~Examples of other California State agencies that meet the requirements specified in Section 87407(b)(3) are the Department of Developmental Services, Department of Rehabilitation, Board of Behavioral Science Examiners and Board of Psychology.~~

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- (c) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 87101(c)(7), except that up to one-half of the required forty (40) hours of continuing education necessary to renew the certificate may be satisfied through interactive online courses as specified in Section 87788(i)(1).÷
- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided such participation is verifiable will not count toward the continuing education requirements more than ten (10) hours of instruction, in-class and/or online, completed in a single day.
  - (2) Home study or correspondence-type courses will not be counted toward completion of continuing education requirements as they are not interactive by design.
  - (3) Completion of an Initial Certification Training Program or component(s) thereof will not be counted toward completion of continuing education requirements as the Program is intended for new administrators.
  - (4) Any specific continuing education course may only be accepted once per renewal period toward completion of the continuing education requirements.
- (d) To apply for recertification prior to the expiration date of the certificate, the certificate holder shall submit to the Department's Administrator Certification Section, post-marked on, or up to ninety (90) days before, the certificate expiration date:
- (1) A written request to recertify post-marked on or before the certificate expiration date completed Application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of forty (40) continuing education hours as specified in Section 87407(a), or, if applicable, twenty (2) continuing education hours as specified in Section 87407(g).

- (3) Payment of a non-refundable one hundred dollar (\$100) processing fee.
  - (4) A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.
- (e) To apply for recertification after the expiration date of the certificate, but within four (4) years of the certificate expiration date, the certificate holder shall submit to the Department's Administrator Certification Section:
- (1) A ~~written request to recertify~~ completed Application for Administrator Certification form LIC 9214.
  - (2) Evidence of completion of the required continuing education hours as specified in Section 87407(a), or 87406(g), if applicable. The total number of hours required for recertification shall be determined by computing the number of continuing education hours the certificate holder would have been required to complete if they had remained certified. The date of computation shall be the date the ~~written request for recertification~~ application for renewal is received by the Department's Administrator Certification Section.
  - (3) Payment of a non-refundable delinquency fee equal to three times the one hundred dollar (\$100) renewal fee, or three hundred dollars (\$300).
  - (4) A copy of the front and back of his/her current nursing home wallet license, or equivalent, if the applicant is a current Nursing Home Administrator.
- (f) Certificates not renewed within four (4) years of their expiration date shall not be renewed, restored, reissued or reinstated.
- (1) Holders of certificates not renewed within four (4) years of their expiration date ~~shall complete an Initial Certification Training Program as must begin anew the certification process~~ specified in Section 87406(b).
- (g) Certificate holders who possess a valid Nursing Home Administrator license shall be required to complete only twenty (20) of the required forty (40) hours of continuing education, but including the requirements of Section 87407(a)(1)-(3).
- (h) Certificate holders, as a condition of recertification, shall have a current criminal record clearance or exemption.
- (i) A non-refundable processing fee of twenty-five dollars (\$25) shall be paid for the replacement of a lost certificate.
- (j) A certificate holder shall report any change of mailing address within thirty (30) days of the change to the Department's ~~a~~Administrator e~~Certification s~~Section.

- (k) Whenever a certified administrator assumes or relinquishes responsibility for administering a residential care facility for the elderly, he or she shall provide written notice, within thirty (30) days, to:
- (1) The local licensing ~~District~~Office responsible for receiving information regarding personnel changes at the licensed facility with whom the certificate holder is or was associated, and
  - (2) The Department's ~~a~~Administrator e~~Certification s~~Section.

Authority cited: Sections 1569.30 and 1569.616(~~j~~), Health and Safety Code.

Reference: Sections 1569.17, 1569.171, 1569.23, 1569.315, 1569.613 and 1569.616, Health and Safety Code.

**Amend Section 87408 to read:**

**87408 ADMINISTRATOR CERTIFICATE DENIAL OR REVOCATION 87408**

- (a) The Department may deny or revoke any administrator certificate for violation of licensing regulations or ~~for~~on any of the following grounds:
- (1) The certificate holder or applicant procured or attempted to procure a certificate by fraud, ~~or~~ misrepresentation, bribery, or other unlawful behavior.
  - (2) The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate.
  - (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code ~~S~~sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and;
    - (A) The certificate holder did not appeal the exclusion order, or
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
  - (4) The certificate holder or applicant does not have a current criminal record clearance or exemption.
  - (5) (Continued)
  - (6) (Continued)
- (b) Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code ~~S~~section 1569.51.
- (c) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code ~~S~~section 1569.16.

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Health and Safety Code section 1569.16, in pertinent part, provides that:

“(a)(1) If an application~~not~~ for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application.”

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Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16, 1569.17, 1569.50, 1569.51, 1569.613 and 1569.616, Health and Safety Code.



**Amend Section 87409 to read:**

**87409 ADMINISTRATOR CERTIFICATE FORFEITURE**

**87409**

- (a) Unless otherwise ordered by the Department, the certificate shall be considered forfeited under any of the following conditions:
  - (1) The Department has revoked any license held by the certificate holder after the Department issued the certificate.
  - (2) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code sections 1558, 1568.092, or 1569.58 after the Department issued the certificate, and;
    - (A) The certificate holder did not appeal the exclusion order or,
    - (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.
- (b) Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a certificate has been forfeited shall be processed in accordance with the provisions of Health and Safety Code ~~§~~sections 1569.16 and/or 1569.58(h).

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Health and Safety Code section 1569.16, in pertinent part, provides that:

“(a)(1) If an ~~application~~application for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application.”

Health and Safety Code §section 1569.58(h), in pertinent part, provides that:

“(1)(A) In cases where the excluded person appealed the exclusion order and there is a decision and order of the department upholding the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(1)(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(2)(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.”

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Authority cited: Sections 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1568.092, 1569.16, 1569.50, 1569.58 and 1569.616, Health and Safety Code.

**Amend Section 87785 to read:**

**87785      INITIAL CERTIFICATION TRAINING PROGRAM VENDOR AND      87785**  
**PROGRAM APPROVAL REQUIREMENTS**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants for licensure or administrator certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department's Administrator Certification Section using the Request for Course Approval forms LIC 9140 and the Vendor Application/Renewal form LIC 9141, or a replica. The request shall be signed under penalty of perjury by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
  - (1) Name, type of entity, physical address, e-mail address, and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
  - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
  - (3) Written description and educational objectives for each subject matter component, hourly topical outline, teaching method, and description of course and participant evaluation methods.
    - (A) The use of videos, videotapes, video clips, or other visual recordings are permitted as media teaching aids in an Initial Certification Training Program but shall not, in themselves, constitute the Program or any subject matter component thereof.
  - (4) Qualifications of each proposed instructor as specified in Section 87785(i)(67).
  - (5) ~~Geographic areas~~ Locality(ies) in which the Training Program will be offered.
  - (6) ~~Types~~ A list and the locations of records to be maintained, ~~as required by~~ pursuant to Section 87785(i)(45).
  - (7) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).

- (8) A statement of whether or not the vendor applicant and each proposed instructor held or currently holds a ~~community~~State-issued care facility license or was or is employed by a State-licensed ~~community~~care facility and the facility license number.
- (9) A statement of whether or not the vendor applicant and each proposed instructor was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in Sections 87785(b)(7) and (8).
- (10) A non-refundable processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the ~~program~~ Initial Certification Training Program vendorship is approved by the Department.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department's Administrator Certification Section using the Request for Course Approval forms LIC 9140 and the Vendor Application/Renewal form LIC 9141, ~~or a replica~~, and shall contain the information and processing fee specified in Section 87785(b).
  - (1) A vendor must have an approved Residential Care Facilities for the Elderly Initial Certification Training Program in order to renew its Residential Care Facilities for the Elderly Initial Certification Training Program vendorship.
- (e) (Continued)
- (g) (Continued)
- (h) The Residential Care Facilities for the Elderly Initial Certification Training Program shall consist of the following components:
  - (1) A minimum of ~~forty (40) classroom~~ eighty (80) hours of coursework, including at least sixty (60) classroom hours of in-person instruction in a classroom setting, as defined in Sections 87101(c)(6) and (7), with the following uniform Core of Knowledge curriculum:
    - (A) Eight (8) hours of instruction in laws, including ~~residents' personal rights~~, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.
    - (B) ~~Three (3)~~ Six (6) hours of instruction in business operations.
    - (C) ~~Three (3)~~ Six (6) hours of instruction in management and supervision of staff.
    - (D) ~~Five (5)~~ Seven (7) hours of instruction in the psychosocial needs of the elderly.

- (E) ~~Five (5)~~ Eight (8) hours of instruction in the physical needs of the elderly.
- (F) Two (2) hours of instruction in the use of community and support services to meet residents' needs.
- (G) ~~Five (5)~~ Eight (8) hours of instruction in medication management, including the use, misuse and interaction of drugs commonly used by the elderly, including antipsychotics, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.
- (H) ~~Five (5)~~ Ten (10) hours of instruction ~~on~~ in resident admission, retention, and assessment procedures.
- (I) ~~Four (4)~~ Eight (8) hours of instruction in the care of residents with Alzheimer's Disease and other dementias, including nonpharmacologic, person-centered approaches to dementia care.
- (J) One (1) hour of instruction in cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.
- (K) Four (4) hours in managing the physical environment, including maintenance and housekeeping.
- (L) Four (4) hours in residents' rights, and the importance of initial and ongoing training for all staff to ensure residents' rights are fully respected and implemented.
- (M) Eight (8) hours in postural supports, restricted health conditions, and hospice care.

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~~(J)~~ Topics within the basic curriculum ~~may~~ must include, but are not ~~be~~ limited to, topics as specified in the Department's Core of Knowledge Guideline Standards chart for each of the ~~nine~~ (9) Core of Knowledge components specified in Sections 87785(h)(1)(A) through (I). The ~~guideline chart~~ is incorporated in Section 87102(k) and available from the Department ~~upon request.~~

~~(K)~~ Core of Knowledge information is derived from a variety of sources governing the operation of licensed residential care facilities for the elderly, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Government Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 87100 et. seq.

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- (2) A standardized ~~test~~ exam developed and administered by the Department.
  - (A) Individuals completing an Initial Certification Training Program must pass the ~~test exam~~ with a minimum score of seventy percent (70%).
  - (B) The ~~test exam~~ questions shall reflect the hour value of the ~~nine (9)~~ Core of Knowledge areas specified in Sections 87785(h)(1)(A) through (I) and further detailed in the Core of Knowledge Standards chart incorporated in Section 87102(k).
- (i) Initial Certification Training Program vendors shall:
  - (1) Offer all ~~forty (40)~~ eighty (80) of the ~~classroom~~ hours required for certification, as described in Section 87785(h)(1).
  - (2) Establish a procedure to allow participants to make up any component necessary to complete the total program hours and content.
  - (3) Issue certificates of completion to participants who successfully complete the program.
    - (A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, approved course number, and the date(s), time(s) and location(s) of program classes.
  - (34) ~~Within seven (7) days of determination that an individual has completed 40 hours of class instruction, submit the participant's name to the Department~~ Submit to the Department upon request a Roster of Participants (LIC 9142A) who completed the program.
  - (45) Maintain and ensure that ~~written~~ records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. These records shall include the following information:
    - (A) ~~Class~~ Course schedules, dates, ~~and~~ descriptions and course outlines.
    - (B) ~~A List~~ A list of instructors and documentation of qualifications of each, as specified in Section 87785(i)(~~7~~6).
    - (C) ~~Names of registered~~ A Roster of Pparticipants (LIC 9142A) and documentation of who completed~~ion~~ of the program.
    - (D) Evaluations by participants of courses and instructors.

- (E) Audio-visual recordings of all Initial Certification Training Programs and program components offered outside of California.
- (56) ~~Ensure that all classes are open to monitoring and inspection by Department representatives. Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor(s) for each future program /component.~~
- (67) Have ~~persons as~~ instructors who have verifiable knowledge and/or experience in the subject ~~area~~ matter and content to be taught and who meet at least one of the following criteria:
- (A) ~~Possession of a four (4) year college~~ Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years' of experience relevant to the ~~courses~~ subject(s) to be taught, or
- (B) Four (4) years<sup>2</sup> of experience relevant to the course to be taught, or
- (C) Be a professional, in a field related ~~field to the subject(s) to be taught~~, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
- (D) Have at least four (4) years' of experience in California as an administrator of a residential care facility for the elderly, within the last ~~eight (8)~~ six (6) years, and with a record of administering the facility(ies) in substantial compliance, as defined in Section 87101(s)(69), and have verifiable formal training in the subject(s) to be taught.
- (78) A minimum of ~~ten~~ twenty (4020) hours of instruction must be provided by an instructor(s) who meet(s) the criteria specified in Section 87785(i)(67)(D).
- (A) Where good faith efforts to employ an instructor who meets the criteria specified in Section 87785(i)(67)(D) are unsuccessful, vendors may apply to the Department's ~~a~~ Administrator e ~~Certification s~~ Section for a waiver of this requirement.
- (9) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
- (10) During the course, encourage and respond appropriately to participants' questions.

- (11) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
    - (12) Report any changes of the information in 87785(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
  - (j) Initial Certification Training Program Vendors shall allow Department representatives to monitor and inspect Training Programs.
    - (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor Initial Certification Training Programs with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
    - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
    - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
    - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
  - (k) If, as a result of an investigation, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide the Initial Certification Training Program Vendor with the notice of deficiency in person or by registered mail.
    - (1) The notice of deficiency shall be in writing and shall include:
      - (A) A reference to the statute or regulation upon which the deficiency is premised.
      - (B) A factual description of the nature of the deficiency fully stating the manner in which the Initial Certification Training Program Vendor failed to comply with the specified statute or regulation.
      - (C) The amount of penalty pursuant to Section 87794 which shall be assessed if the deficiency is not corrected and the date the penalty begins.



(D) The appeal process as specified in Section 87795.

- (2) The Department and the Initial Certification Training Program Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
- (3) Absent prior Department approval, all Program deficiencies shall be corrected prior to the next offering of the Initial Certification Training Program, and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.
- (k) Initial Certification Training Program Vendors shall not instructor "co-locate" more than one program type (~~ARF, RCFE, GH~~ Adult Residential Facility, Group Home, Residential Care Facility for the Elderly) at one time.
- (lm) Initial Certification Training Program Vendors ~~that~~ and their instructors who are also seeking administrator certification shall not be permitted to receive credit for attending the vendor's own Initial Certification Training Program.

Authority cited: Sections 1569.23~~(d)~~, 1569.30, ~~and~~ 1569.616~~(j)~~, and 1569.62, Health and Safety Code.

Reference: Sections 1569.16, 1569.23, 1569.50 and 1569.616, Health and Safety Code; and Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code.

**Amend Section 87786 to read:**

**87786 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL  
CERTIFICATION TRAINING PROGRAM**

**87786**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1569.616(i)(~~41~~) of the Health and Safety Code. The Department shall provide the applicant with a written notice of denial.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.616(i)(~~41~~) provides in part:

“The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).”

HANDBOOK ENDS HERE

- (b) (Continued)

- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~§~~section 1569.16(b).

HANDBOOK BEGINS HERE

Health and Safety Code ~~§~~section 1569.16(b) provides:

"(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application."

HANDBOOK ENDS HERE

Authority cited: Sections 1569.23(d), 1569.30, and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16, 1569.23 and 1569.616, Health and Safety Code.

**Amend Section 87787 to read:**

**87787      REVOCATION OF AN INITIAL CERTIFICATION TRAINING      87787**  
**PROGRAM**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 87785, Initial Certification Training Program Approval Requirements, or
- (1) Is unable to provide training due to lack of staff, funds or resources, or
  - (2) Misrepresents or makes false claims regarding the training provided, or
  - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
  - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or-
  - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code ~~S~~section 1569.51.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~S~~section 1569.16.

**HANDBOOK BEGINS HERE**

Health and Safety Code ~~S~~section 1569.16 in pertinent part provides:

“(a)(1) If an application for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.”

HANDBOOK ENDS HERE

Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16, 1569.51 and 1569.616, Health and Safety Code.

**Amend Section 87788 to read:**

**87788 CONTINUING EDUCATION TRAINING PROGRAM  
VENDOR REQUIREMENTS**

**87788**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department's Administrator Certification Section using the Vendor Application/Renewal forms LIC 9140 and LIC 9141, or a replica. The request shall be signed under penalty of perjury by an authorized representative of the vendor applicant certifying that the information submitted is true and correct, and contain the following:
  - (1) Name, type of entity, physical address, e-mail address, and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
  - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
  - (3) A statement of whether or not the vendor applicant held or currently holds a community State-issued care facility license or was or is employed by a State-licensed community care facility and the license number.
  - (4) A statement of whether or not the vendor applicant was the subject of any legal, administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 87788(b)(2) and (3).
  - (5) A non-refundable processing fee of one hundred dollars (\$100).
- (c) (Continued)
- (d) A written request for renewal of the Continuing Education Training Program vendorship shall be submitted to the Department's Administrator Certification Section using the Vendor Application/Renewal forms LIC 9140 and LIC 9141, or a replica, and shall contain the information and processing fee specified in Section 87788(b).
  - (1) A continuing education vendor must have one or more approved Residential Care Facilities for the Elderly continuing education courses in order to renew its Residential Care Facilities for the Elderly continuing education program vendorship.

- (e) If a request for approval or renewal of a Continuing Education Training Program vendorship is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:

(1) (Continued)

(h) Continuing Education Training Program vendors shall:

(1) Issue certificates of completion to participants who successfully complete the program.

(A) The certificate of completion shall be signed by the vendor or its authorized representative and include the approved vendor's name and vendor number, the approved course name and course number, the approved course hours, and the date(s), time(s) and location(s) of the course(s).

(+2) Maintain and ensure that ~~written~~ records are available for review by Department representatives. Records shall be maintained for three (3) years from the date of vendorship approval, course approval, or course offering, whichever is applicable and most recent. The records shall include the following:

(A) Course schedules, dates, ~~and~~ descriptions and course outlines.

(B) Lists of instructors and documentation of qualifications of each as specified in Section 87788(h)(23).

(C) ~~Names of registered~~ Rosters of pParticipants (LIC 9142A) and documentation of who completed~~ion of~~ the courses.

(D) Evaluations by participants of courses and instructors.

(E) Audio-visual recordings of all Continuing Education Training courses offered outside of California.

(23) Have instructors who have verifiable knowledge and/or experience in the subject ~~area~~ matter and content to be taught and who meet at least one of the following criteria:

(A) ~~Possession of a four (4) year college~~ Hold a bachelor's or higher degree from an accredited institution in a discipline or field related to the subject(s) to be taught, and have at least two (2) years of experience relevant to the course ~~subject(s) to be taught, or~~

(B) Four (4) years of experience relevant to the course to be taught, or

- (C) Be a professional, in a field related field to the subject(s) to be taught, with a valid license or certification to practice in California and at least two (2) years of related field experience, or
  - (D) Have at least four (4) years of experience in California as an administrator of a residential care facility for the elderly, within the last ~~eight (8)~~ six (6) years, and with a record of administering the facility(ies) in substantial compliance as defined in Section 87101(s)(69) , and have verifiable formal training in the subject(s) to be taught.
- (4) Upon request, submit to the Department's Administrator Certification Section a schedule for at least the next calendar quarter specifying the subject title, approved course number, classroom hours, proposed dates, time, duration, location and proposed instructor for each future course.
  - (5) Before adding or replacing an approved instructor, obtain the Department's approval by submitting a completed Request to Add or Replace Instructor form LIC 9140A and supporting documentation to the Department's Administrator Certification Section.
  - (6) During the course, encourage and respond appropriately to participants' questions.
  - (7) Develop and provide to each course participant an end-of-course evaluation requesting feedback on, at minimum, instructor(s) knowledge of the subject(s), quality of instruction provided, attainment of learning objectives, and opportunity of participants to ask questions.
  - (8) Report any changes of the information in 87788(b)(1) within thirty (30) days to the Department's Administrator Certification Section.
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting as defined in Section 87701(c)(7), except that:
    - (1) The Department may approve online courses pursuant to Health and Safety Code section 1569.616(i)(2) where the technology permits the ~~simultaneous~~ and interactive participation of the certificate holder, ~~provided and~~ such participation is verifiable. Interactive online training courses require the participant to respond to prompts and receive feedback at various intervals throughout the course in order to progress through the training and to successfully pass a test at the conclusion of the course in order to receive a certificate of completion for the course.

- (A) A Webinar or similar type of live broadcast of a training course may be approved by the Department for online continuing education hours pursuant to Health and Safety Code section 1569.616(i)(2)(B) where the technology permits interactive participation of the certificate holder and such participation is verifiable, and where it can be verified that the certificate holder was present for the entire length of the Webinar.
- (B) All online training courses shall be designed to ensure participation for the actual number of hours approved and to ensure that participants cannot print a certificate of completion until the approved course hours have been completed.

HANDBOOK BEGINS HERE

Health and Safety Code section 1569.616(i)(2) provides that:

“(A) A vendor of online programs for continuing education shall ensure that each online course contains all of the following:

(i) An interactive portion where the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number or personal identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. Any person who certifies as true any material matter pursuant to this section that he or she knows to be false is guilty of a misdemeanor.

(B) Nothing in this subdivision shall prohibit the department from approving online programs for continuing education that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department’s satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.”

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(j) (Continued)



- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses and Programs.
- (1) Any duly authorized Department representative may, upon proper identification and upon stating the purpose of his/her visit, enter, inspect, and monitor continuing education training courses with or without advance notice. Such representatives may also request information and copies of records in advance of such visits and/or for desk monitoring.
  - (2) The vendor shall ensure that provisions are made for the private interview of any participant or instructor, and for the examination of any records relating to the program.
  - (3) The Department shall have the authority to inspect, audit, and copy all program records upon demand. Records may be removed if necessary for copying.
  - (4) Department representatives shall not remove any current emergency or health related personnel records unless the same information is otherwise readily available in another document or format. Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (l) If, as a result of an investigation, the Department determines that a deficiency exists, the Department shall issue a notice of deficiency, unless the deficiency is minor and corrected immediately, and shall provide Continuing Education Training Program Vendor with the notice of deficiency in person or by registered mail.
- (1) The notice of deficiency shall be in writing and shall include:
    - (A) A reference to the statute or regulation upon which the deficiency is premised.
    - (B) A factual description of the nature of the deficiency fully stating the manner in which the Vendor failed to comply with the specified statute or regulation.
    - (C) The amount of penalty pursuant to Section 87794 which shall be assessed if the deficiency is not corrected and the date the penalty begins.
    - (D) The appeal process as specified in Section 87795.
  - (2) The Department and the Vendor shall develop a plan for correcting each deficiency which shall be added to the notice of deficiency.
  - (3) Absent prior Department approval, all course deficiencies shall be corrected prior to the next offering of the deficient course(s), and all other deficiencies (e.g., recordkeeping) shall be corrected within the number of days agreed to in the corrective action plan.

- (~~hm~~) Continuing Education Training Program vendors who teach courses that the Department has approved for more than one program type (~~ARF, RCPE, GH~~ Adult Residential Facility, Group Home, Residential Care for the Elderly), may provide "multiple crediting," that is, more than one certification for the course, to ~~those~~ participants who complete the course satisfactorily.
- (~~mn~~) Continuing Education Training Program vendors that the Department has approved for more than one program type (~~ARF, RCPE, GH~~ Adult Residential Facility, Group Home, Residential Care for the Elderly), may "co-locate" or instruct specified courses for more than one program type.
- (1) The approved hours for co-located courses may differ depending on the content pertinent to each program type.
- (~~no~~) Continuing Education Training Program vendors and their instructors who are also certificate holders shall not be permitted to receive credit for attending the vendor's own Continuing Education Training Program courses.

Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16 and 1569.616, Health and Safety Code; and Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code.

Amend Section 87789 to read:

**87789 CONTINUING EDUCATION TRAINING PROGRAM COURSE 87789**  
**APPROVAL REQUIREMENTS**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (1) (Continued)
- (b) Any vendor applicant seeking approval of a Continuing Education Training Program course shall submit a written request to the Department using the Request for Course Approval forms LIC 9140 and LIC 9141, or a replica for each course. The request shall be ~~signed under penalty of perjury by an authorized representative of the vendor certifying that the information submitted is true and correct,~~ and contain the following ~~for each course:~~
- (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor(s) ~~of each course.~~
- (2) Written description and educational objectives ~~for each course,~~ teaching methods, ~~course content~~ hourly topical content outline, and a description of course and participant evaluation methods.
- (A) The use of videos, videotapes, video clips, or other visual recordings, are permitted as media teaching aids in a continuing education course but shall not, in themselves, constitute the course.
- (3) Qualifications of each proposed instructor, as specified in Section 87788(h)(23).
- (4) ~~Types A~~ A list and the location(s) of records to be maintained, as required in pursuant to Section 87788(h)(42).
- (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
- (6) A statement of whether or not the proposed instructor held or currently holds a ~~community-State-issued~~ care facility license or was, or is, employed by a State-licensed community-care facility and the ~~facility~~ license number.
- (7) A statement of whether or not the proposed instructor was the subject of any legal, administrative, ~~legal~~ or other action involving licensure, certification or other approvals as specified in Sections 87789(b)(5) and (6).

- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval, as provided in Section 87788(c).
  - (1) To renew a course, the vendor applicant shall submit a written request to the Department's Administrative Certification Section using the Renewal of Continuing Education Course Approval forms LIC 9139 and the Vendor Application/Renewal form LIC 9141, or a replica at least thirty (30) days prior to the course expiration.
  - (2) Course renewal requests received by the Department after the course expiration data shall be denied, and the vendor required to resubmit the courses for approval pursuant to Section 87789(b).
  - (3) Course renewal requests received for courses where the content is known to have changed, or needs to be updated, shall be denied. The vendor will need to submit the revised course for approval pursuant to Section 87789(b).
- (d) (Continued)
- (f) (Continued)
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered, ~~which shall contain the information~~ as specified in Section 87789(b).
- ~~(h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect the training courses.~~

Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1522.08 and 1569.616, Health and Safety Code.

**Amend Section 87791 to read:**

**87791 ADMINISTRATIVE REVIEW OF DENIAL OR REVOCATION 87791**  
**~~OF A REQUEST FOR AN APPROVAL OF A CONTINUING~~**  
**EDUCATION COURSE**

- (a) A vendor may seek administrative review of the denial or revocation of course approval as follows:
- (1) The vendor must request administrative review in writing to the Department's Administrative Certification Section Manager within ten (10) days of the receipt of the Department's notice denying or revoking course approval.
  - (2) The administrative review shall be conducted by a higher-level staff person than the person who denied or revoked course approval.
  - (3) If the reviewer determines that the denial or revocation of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed that would have led to a different decision, he/she shall have the authority to amend the denial or revocation of course approval.
  - (4) The reviewer shall send a written response to the vendor within thirty (30) days of the Section's receiving the request per Section 87791(a)(1).
  - (45) The decision of the higher-level staff person shall be final.

Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Section 1569.616, Health and Safety Code.

**Amend Section 87792 to read:**

**87792      DENIAL OF A REQUEST FOR AN APPROVAL OF A  
CONTINUING EDUCATION TRAINING PROGRAM**

**87792**

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code ~~§~~section 1569.616(i)(l). The Department shall provide the applicant with a written notice of the denial.

HANDBOOK BEGINS HERE

Section 1569.616(i)(l) of the Health and Safety Code provides in part:

“The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).”

HANDBOOK ENDS HERE

- (b) The vendor applicant may appeal the denial of the application in accordance with Health and Safety Code ~~§~~section 1569.51.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code ~~§~~section 1569.16(b).

HANDBOOK BEGINS HERE

Health and Safety Code ~~§~~section 1569.16(b) provides:

"(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application until one year has elapsed from the date of the denial letter. In those circumstances where denials are appealed and upheld at an administrative hearing, review of the application shall cease for one year from the date of the decision and order being rendered by the department. The cessation of review shall not constitute a denial of the application."

HANDBOOK ENDS HERE

Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16, 1569.51 and 1569.616, Health and Safety Code.

**Amend Section 87793 to read:**

**87793            REVOCATION OF A CONTINUING EDUCATION TRAINING            87793**  
**PROGRAM**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 87788, Continuing Education Training Program Vendor Requirements, and 87789, Continuing Education Training Program Course Approval Requirements, or.
- (1) Is unable to provide training due to lack of staff, funds or resources; or
  - (2) Misrepresents or makes false claims regarding the training provided; or
  - (3) Demonstrates conduct in the administration or instruction of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program; or
  - (4) Misrepresents or knowingly makes false statements in the vendor application or during program instruction, or-
  - (5) Fails to correct deficiencies and/or to pay civil penalties due.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1569.51.
- (c) Any application for approval of a Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1569.16.

**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1569.16 in pertinent part provides:

“(a)(1) If an application for a license indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3 (commencing with Section 1500), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation.

(a)(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.”

HANDBOOK ENDS HERE

Authority cited: Sections 1569.23(d), 1569.30 and 1569.616(j), Health and Safety Code.

Reference: Sections 1569.16, 1569.23, 1569.51 and 1569.616, Health and Safety Code.



**Adopt Section 87794 to read:**

**87794      PENALTIES**

**87794**

- (a) A penalty of \$50 per day, per cited violation, up to a maximum of \$150 per day, shall be assessed for all deficiencies that are not corrected as specified in the notice of deficiency.
- (b) Unless otherwise ordered by the Department, all penalties are due and payable upon receipt of notice of payment, and shall be paid only by money order made payable to the Department.
- (c) The Department shall have authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (b) above.

Authority cited:    Sections 1569.30 and 1569.616(i), Health and Safety Code.

Reference:        Sections 1569.185, 1569.49 and 1569.495, Health and Safety Code.

**Adopt Section 87795 to read:**

**87795      APPEAL PROCESS**

**87795**

- (a) A vendor may request in writing to the Department's Administrator Certification Section Manager a review of a notice of deficiency or notice of penalty within ten (10) working days of receipt of the notice. This review shall be conducted by a higher level staff person other than the evaluator who issued the notice.
- (b) If the reviewer determines that a notice of deficiency or notice of penalty was not issued in accordance with applicable statutes and regulations, the reviewer shall amend or dismiss the notice. In addition, the reviewer may extend the date specified for correction of a deficiency if warranted by the facts or circumstances to support a request for extension.
- (c) The reviewer will send a written response to the vendor within thirty (30) days of the Section's receiving a request as described in (a) above.

Authority cited:    Sections 1569.30 and 1569.616(i), Health and Safety Code.

Reference:        Section 1569.33, Health and Safety Code.